IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

J. RAY DURTSCHI — District Judge Presiding
John Gambee — Reporter
October 6, 1975 — Date — 9:30 a.m. — Time

Fall — Term 19 75
One Hundred Ninety First — Judicial Day
Wallace — Place — Idaho

Docket No. 9701

STATE OF IDAHO, — Plaintiff

vs.

THOMAS EUGENE CREECH — Defendant

APPEARANCES:

Robert Remaklus & Lynn E. Thomas — For Plaintiff

Bruce O. Robinson — For Defendant

Subject of Proceeding: JURY TRIAL

BE IT KNOWN, that the following proceedings were had, to-wit:

This was the time and the place set for the hearing of the above entitled matter. The State of Idaho was represented by Mr. Robert Remaklus and Lynn E. Thomas. The defendant appearing in person and with his attorney, Mr. Bruce O. Robinson.

The Clerk was instructed to call the roll call of jurors and the following person answered. Jerry R. Adams, Betty M. Barr, Doris L. Bennett, Wanda L. Bennett, Peny L. Benson, Wilford D. Bonomi, Margaret M. Brackebusch, Alvin J. Buchtel, Virginia S. Budiselic, Howard R. Byrd, Velma R. Canterbury, William B. Cecil, David L. Charles, John M. Chisholm, Nancy C. Church, Dela Claypool, Victoria S. Cook, Viola Coulter, Donald A. Crawford, Barbara A. Crnkovich, Margaret C. Dahl, Ruth E. Daiker, Mary V. Davidson, Karl F. Eckstein, Jack Etherton, Esther J. Everett, Ruby C. Fisher, Alice C. Gilman, Virginia M. Gregory, Ronald F. Gribble, Walter T. Grosstueck, Linda L. Gust, Duane M. Hammond, Paula Hansen, Charles Harpole, Don Fredrick Heidt, Sr., Edwin L. Helfer, Yvonne A. Helm, Maxine Hill, Sharon K. Hill, Marjorie M. Hinman, Lillian S. Honeycutt, Harold J. Horine, Billie L. Howard, Marjorie K. Hull, Wayne L. Jacobs, Antonia H. Jaeger, Bill E. James, Bonnie E. Jameson, Michael W. Jasberg, Kathleen M. Jerome, Ida M. Johnson, Jacqueline C. Jordon, Ruth A. Joy, Maxine Elnora Karst, Daisy M. Kienholz, Roanna J. Knoll, Stella M. Koole, Wanda J. Kurt, Ralph D. Lambert, Gloria E. Lapp, Marijean Lemieux, Carolyn M. Longley, Arleigh V. Luoma, Vicki L. Mabes, Sandra K. Madsen, Dale E. Magnus, William L. McArthur, Elizabeth M. McKenzie, Ernest P. Mollendorf, Edward K. Morgan, Walter I. Nelson, Ellen L. Noonan, Frank G. Oberg, Frank L. Orazem, Kathleen R. Orsburn, Fred R. Patano, Donald J. Piekarski, Jimmy W. Pogue, Robert P. Powell, Linda E. Raivio, Marlys A. Rice, Clifford Richardson, Viola L. Roberts, Norman A. Ross, Doris J. Rounsville, Donna Rae Rude, Phillip H. Ruff, Joe Schermanson, Curtis D. Schrader, Esther V. Schpholm, Scott B. Shock, Richard J. Sibert, Roland H. Sisk, Jr., David L. Smith, Arlene C. Sorenson, George Stancik, Roger S. Standley, Gus Z. Stein, Ethel L. Stewart, Brenda Lee Stinson, Maynard Ray Stoumbaugh, James A. Strope, Betty J. Thatcher, Irvin C. Thompson, Frederick F. Townsend, N. K. Ward, Barbara L. Watts, Rose E. Williams, Robert D. Williamson, Ann F. Wilson, Foster S. Wolfgram, Glenn H. Wright, Robert W. Yost.

The Judge made statement to the court and introduced the court personnel. The Court advised the defendant that if he desired to challenge a juror he must do so before the jury was sworn.

The court admonished the Jury, he said that while the jury was being selected that he would admonish the jurors not to discuss this matter between themselves or with any one else, If anyone tries to discuss this matter with a juror they are to report this to the baliff immediately. They are asked not to watch news broadcasts or read the papers until the jury has ~~finnal~~ finally been selected. The jurors are asked not to discuss the questions asked in examination.

Margaret Lindley — Deputy Clerk

Approved: J. Ray Durtschi — District Judge

Page 1 of ____ pages.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | Oct. 6, 1975 — Date

(CONTINUED)

The Clerk was instructed to draw the names of twelve jurors and the following names were called. 1. Yvonne A. Helm, 2. Virginia M. Gregory, 3. Dela Claypool, 4. Barbara A. Crnovich, 5. Marjorie K. Hull, 6. Daisy M. Kienholz, 7. Michael W. Jasberg, 8. Jack Etherton, 9. Joe Schermanson, 10. Vifginia S. Budiselic, 11. Philip H. Ruff, 12. Robert P. Powell.

Court adjourned and trial removed to the Public Safety Building.

Mr. Robinson said that he had a matter to take up with the court before selection of the jury continued.

Defendant's Exhibit E (North Idaho Press, dated Oct. 3, 1975) marked, identified, offered and admitted.

Mr. Robinson said that the polygraph report had been received by him and copies had been given to opposing counsel, and to the court.

He asked permission of the court for John Wickersham to sit in the court by counsel table?

This was granted by the court.

It was asked if the presence of witnesses in the court would be allowed or would they be requested to stay out of the court room until they had testified.

Both counsels stated that they had no intention of requesting seclusion of witnesses from the courtroom during the trial.

Examination for cause of the jurors began.

1. Yvonne A. Helm, examined by the court and passed. Mr. Remaklus examine and challenged the witness because of health, this juror was excused.
2. Virginia M. Gregory was called, and examined by the court, passed by the court, Mr. Remaklus and Mr. Robinson.

Mr. Robinson made a statement to the court regarding the defendant being handcuffed when broungt into court this morning.

The court said that the records will show that the defendant is not in hand cuffs in the court room.

3. Dela Claypool was questioned for cause by the court, passed by the court, Mr. Remaklus and Mr. Robinson.

Court recessed 11:03 am.m

Court reconvened at 11:13 a.m.

4. Barbara A. Crnovich, examined for cause and excused by the court.
5. Marjorie K. Hull examined for cause, examined by the court and it was stipulated by counsel that she is excused.
6. Margaret M. Brackebusch, examined for cause, examined by the court and excused.
7. Michael W. Jasberg, examined for cause by the court and excused.

Court recessed for noon recess

Court reconvened at 1:30 p.m.

The court advised counsel that juror #100, Gladys M. Shuler has been excused.

Mr. Robinson said that at a noon radio broadcast there had been a mention of two shot gun blast, that this was erronous.

Mr. Thomas said there is some question as to withchcraft, and raises the objection that the jurors should not be exposed to this theory, as this falls within the order of the court.

Mr. Robinson made a statement to the court that this was necessary questioning to see if the jurors were overly superstistious.

9. Joe Shermanson called, examined for cause and excused by the court.

The court said that this juror would be excused from any further jury duty because of hearing problem.

10. Virginia S. Budiselic, examined for cause and excused by the court.

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

11. Philip H. Rugg called examined for cause, passed by the court, Mr. Thomas, challenged by Mr. Robinson, questioned further by Mr. Thomas, Mr. Robinson questioned the juror. Witness excused.
12. Robert W. Powell, examined by the court, passed by the Court, Mr. Remaklus and Mr. Robinson
13. Arleigh V. Luoma, called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.
14. Richard J. Siebert, called, examined for cause, passed by the court, Mr. Thomas and Mr. Robinson.
15. Daisy M. Kienholz, called, examined for cause and passed by the court, Mr. Thomas and Mr. Robinson.
16. Ruby Fisher, called, examined by the court and excused.
17. Antonia H. Jaeger, called, examined for cause and passed by the court, Mr. Remaklus and Mr. Robinson.
18. Kathleen R. Orsburn, called, examined by the court, passed by the court, Mr. Remaklus and Mr. Robinson.

The Jury was admonished and recessed, they were advised that they should refrain from reading any news in the paper about this trial and from listening to new broadcasts on the TV. They will return at 9:30 a.m. Oct. 7, 1975.

Court recessed 4: 50 p.m.

SECOND DAY

One Hundred Ninety Second
October 7, 1975
9:25 a.m.
Present as before

The court said that Juror #26, Diane K. Dutton had been excused.

Mr. Robinson stated to the court that the Osburn Radio Station had given out information on out of state involvments.

19. Wanda L. Bennett was called, examined for cuase and passed by the court, Mr. Thomas and Mr. Robinson.

The court said that juror Vicki L. Mabes had been excused.

20. Arlene Sorenson, called, examined by the court and excused by the court.

Court recessed 10:00 a.m.
Court reconvened 10:15 a.m.

21. Davis L. Smith called, examined for cause and excused by the court.
22. Marijean Lemieux called, examined for cause and excused by the court.
23. Brenda Lee. Stinson, called, sworn and examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.
24. Rose E. Williams, called, examined for cause and excused by the court
25. Wanda J. Kurt, called, was examined for cause and passed by the court, Mr. Remaklus and Mr. Robinson.
26. Roland H. Sisk, Jr., called, examined for cause and excued by the court.
27. Ruth E. Diaker, called, examined by the court and passed by court, Mr. Thomas, challenged by Mr. Robinson, resisted by Mr. Thomas and the juror questioned further. The court questioned Mrs. Diaker. Passed for cause by Mr. Robinson.

The 12 jurors passed for cause were admonished by the court.

Court recessed for noon.

Court reconvened 1:30

The court said that juror #63, Stella M. Koole as been drawn as stand by juror, for examination for cause.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff

vs.

THOMAS EUGENE CREECH, Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

Mr. Remaklus asked the court that in the event that a peremptory challenge should be waived, would that limit the part to any other challenges, or could they waive and go on with peremptory challenges as to the new jurors drawn after the challenge?

The court said that the new rules lets a party challenge any juror passed for cause after waiver of a challenge.

Permeptory challenges will begin at this time.

Challenge No. 1
Duane M. Hammond was called, and examined for cause. Excused by the court.
Stella M. Koole called, examined for cause. Passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 2
Frank G. Oberg, called examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 3
Harold J. Horine, called, examined by the court, passed by the court, Mr. Thomas and Mr. Robinson.

Challenge No. 4
Walter I. Nelson called, and examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.
Court recessed 3:00 o'clock p.m.
Court reconvened 3:10 p.m.

Challenge No. 5
Ellen L. Noonan, called, examined for cause passed by the court, Mr. Thomas and Mr. Robinson.

Challenge No. 6
William B. Cecil called, examined for cause and excused by the court.
Alice C. Gilman called, examined for cause and excused by the court.
Court recessed 3:50 p.m.
Reconvened 4:00 p.m.
Howard R. Byrd called, examined for cause and excused by the court.
Maxine Elnora Karst called, examined for cause and excused by the court.
Nancy C. Church called, examined for cause and excused by the court.
Robert D. Williamson called examined for cause and excused by the court.
Ida M. Johnson called, examined for cause and excused by the court.
Viola Coulter called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Cahllenge No. 7
George Shancik called, examined for cause and excused by the court.
The court admonished the jurors.
Court recessed 5:15 p.m.

THIRD DAY — One Hundred Ninety Third
October 8, 1975
9:30 a.m.
Present as before

The court informed counsel that Juror No. 65 has been excused because of illness in the family.

Approved:

J. Ray Durtschi

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE GREECH — Defendant | October 6, 1975 — Date

(CONTINUED)

The court said that he has received a medical excuse for juror No. 94, Donna Rude and Mrs. Rude will be excused.

Esther V. Scuphom was called, examined for cause and excused by the court.
William L. McArthur called, examined for cause and excused by the court.
Esther J. Everett called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson

Challenge No. 8
Peny L. Benson called, examined for cause and excused by the court.
Robert W. Yost called, examined for cause and excused by the court.
Betty M. Barr called, examined for cause, passed by the court and Mr. Remaklus. Challenged by Mr. Robinson, Challenge resisted by Mr. Remaklus.

The court said that he would hear argument outside the presence of the juror. Mrs. Barr was excused from the courtroom.

The court stated that the mention of drugs in the questioning of jurors is not a proper question for examination for cause. The court is concerned that if the matter of drugs will come into court, but if it does it will be relevant, and the jurors should consider the evidence then. Mr. Robinson is bringing this to the attention of the jurors, this fact might not even get into court and if it does it is the opinion of the court that it will not get before a jury.

Mr. Robinson said that he would agree with the court that it is a very thin chance, and my not get in at all, but that if it should get in and should be considered by the jury, and a person is prejudice because of the use of drugs, a fair verdict could not be reached.

The court said that it could not see a prejudice against drugs as a reason to excuse a juror, many people are prejudice against drugs, in fact he is himself.

There was no statement by Mr. Remaklus.

The court said that it is the position of the court that the mere fact that a juror is prejudiced against drugs does not disqualify him as a juror.

Court recessed 11:00 a.m.
Court reconvened 11:10 a.m.
Mrs. Barr recalled and passed by Mr. Robinson.

Challenge No. 9
Fred R. Patano called examined for cause and excused by the court.
David L. Charles called, examined for cause and passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 10
Wayne L. Jacobs called, examined for ~~eae~~ cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 11
Edwin L. Helfer called, examined for cause, passed by the court,
Challenged Mr. Thomas, excused by the court.
Jerry R. Adams called, examined for cause, passed by the court.
Court recessed for noon.
Court reconvened 1:30 p.m.
Jerry R. Adams recalled, passed for cause by Mr. Remaklus and Mr. Robinson.

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI

COURT MINUTES

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant — Docket No. 7[illegible] — October 6, 1975, Date

(CONTINUED)

Challenge No. 12
Bill E. James, called, examined for cause, passed by the court, and excused.
Linda E. Gust, called, examined for cause, passed by the court, Mr. Thomas, and Mr. Robinson.
Challenge No. 13
Donald A. Crawford, called, examined for cause, passed by the court, challenged by Mr. Thomas, Challenge resisted by Mr. Robinson. The court explained the reasonable doubt expression to the juror, Juror passed by Mr. Thomas and Mr. Robinson.

Court recessed 2:40 p.m.
Court reconvened 2:50 p.m.

Mr. Robinson asked the court for clarification, that Carol Spaulding entered a plea of Guilty to the charge of Robbery.

The court said that who ever prepared the Judgment used bad wording.

Mr. Remaklus said that Carol Spaulding was charged under section 18-205.

The court said that this is the accesory section, and the crime charged accessory.

The court said that a doctor's certificate for juror #49, Billee L. Howard, has been excused.

Challenge No. 14
Ernest Paul Mollendorf, called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 15
Velma R. Canterbury, called, examined for cause, passed by the court, Mr. Thomas and Mr. Robinson.

Challenge No. 16
Wilford D. Bonomi, called, examined for cause, excused by the court
Maxine Hill, called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 17
Jacqueline C. Jordon, called, examined for cause, passed by the court, Mr. Thomas and Mr. Robinson.

Court recessed 4:12 p.m.
Court reconvened 4:20 p.m.

Challenge No. 18
Frank L. Orazem called, examined for cause, excused by the court.
Sharon K. Hill, called, examined for cause, passed by the court and Mr. Remaklus, challenged by Mr. Robinson, excused by the court.
Bonnie E. Jameson, called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.
Challenge No. 19 waived.
Challenge No. 20 waived.

The court stated that this trial will be a protracted one and asked if one or two alternate jurors necessary? He also asked counsel if they would waive the requirement to give the oath to jurors before the alternate juror is chosen.

It was stated that two alternate jurors should be picked, and that

Approved:

J. [illegible] Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff

vs.

THOMAS EUGENE CREECH, Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

counsel will waive the swearing of the jurors until the alternate jurors have been chosen.

Court recessed 5:00 p.m.
Court reconvened 5:10 p.m.

Ronald F. Gribble called, examined for cause, passed by the court, Mr. Remaklus, and Mr. Robinson.
Fredrick F. Townsend, called, examined for cause, excused by the court.
Betty J. Thatcher, called, examined for cause, passed by the court, Mr. Thomas and Mr. Robinson.

Challenge No. 1
Alvin J. Buchtel, called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 2
Kathleen M. Jerome called, examined for cause and excused by the court.
Margaret C. Dahl, called, examined for cause and excused by the court.
Scott B. Shock, called examined for cause and excused by the court.

Court recessed 6:10 p.m.
Court reconvened 6:15 p.m.

Irvin C. Thompson called, examined for cause, excused by the court.
Ralph D. Lambert, called, examined and excused by the court.
Dale E. Magnus, called, examined for cause and excused by the court.
N. K. Ward, called, examined for cause and excused by the court.
Curtis D. Schrader called, examined for cause, excused by the court.
Lillian S. Honeycutt called, examined for cause, passed by the court, Mr. Thomas and Mr. Robinson.

Challenge No. 3 waived.
Challenge No. 4 waived.

Court recessed 7:20 p.m.
Court reconvened 7:30 p.m.

The court said that the jury had been selected and he will now read those seated on the jury and those excused.
The following jurors will be seated in the jurors box.
1. Esther J. Everett, 2. Walter I. Nelson, 3. Robert P. Powell, 4. Frank G. Oberg, 5. Ernest Paul Mollendorf, 6. Daisy M. Kienholz, 7. Velma Canterbury, 8. Wayne L. Jacobs, 9. Wanda L. Bennett, 10. Bonnie E. Jamison, 11. David L. Charles 12. Maxine Hill
Alternate jurors are Ronald F. Gribble and Lillian S. Honeycutt.

The remaining jurors will be excused at this time. The court thanked them for their attendance.

The court said that the jurors and alternates seated in this case will be allowed to return to their homes this evening to get their clothes, and will not be sworn until tomorrow morning. They will bring their things directly to the courthouse, as there will be transportation to the motel for them. The Court repeated the admonition heretofore given.

Court adjourned at 7:55 p.m.

FOURTH DAY — One Hundred Ninety Fourth
October 9, 1975
9:55 a.m.
Present as before

The court stated that the alternate juror, Mr. Gribble came to him this morning, said that he had thought about the case last night and that

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH, Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

that he had recalled more about this case than he had told at the time of questioning. The court said that both counsels could examine the juror now outside the presence of other jurors, if they wanted.

Both counsels agreed to this.

The court expressed appreciation to Mr. Gribble for coming forth with additional information.

The court questioned Mr. Gribble, who stated that he had heard remarkd about this case from fellow workers who came in the office from Boise, Idaho, but that he had not connected those remarks with this case until after he had gotten home last night.

Mr. Remaklus asked Mr. Gribble if he felt that he could set aside anything he had heard and judge this case solely on the evidence presented in this court?

Mr. Gribble said that he would try.

Mr. Remaklus passed the juror for cause.

Mr. Robinson questioned Mr. Gribble. He challenged the juror.

Mr. Remaklus said that he would not resist the challenge.

The court questioned the juror. He said that he would try to be fair, but was not sure that he could do it.

Mr. Robinson still challenged the juror.

The court excused Mr. Gribble

The court asked counsel if they were willing to proceed with one alternate juror?

The court asked Mr. Gribble if he had discussed this with any of the other jurors?

Mr. Gribble said that he had not.

Counsel agreed to try this matter with one alternate juror.

The court said that he would go ahead and try this matter with one alternate juror, and won't call a mistrial in this matter.

The juror Mr. Gribble was excused.

Jurors were called in.

The Clerk was instructed to give the Oath to the jury panel.

The Alternate juror was sworn in.

Mr. Remaklus made his opening statement to the court.

The Clerk was instructed to read the Information to the jury, stating that the defendant had entered a Not Guilty plea to the charge filed against him.

Mr. Robinson reserved the right to make his opening statement until later.

The court admonished the Jury

Court recessed 10:30 a.m.

Court reconvened 11:15 a.m.

Jurors returned into court.

Mr. Robinson said that they would waive the roll call of jurors and stipulated that all jurors were present.

Mr. Remaklus said that the State would so stipulate.

Mr. Thomas asked if there was any objection to respective witnesses remaining in the court room.

There was no objection by Mr. Robinson.

Johnny J. Hill, Horse Shoe Bend, Idaho, was called, sworn and direct examined by Mr. Remaklus. He said that he is 24 years of age, and is employed as a logger for the past 2½ - 3 years. He was engaged in this employment on November 1974, near Donnelly, Idaho. He was working with Ray Hall, also a logger. He said that he went past Donnelly, Idaho each evening on his way home, that in November 1974 he was on his way home with his partner and they stopped on the road, where the old highway

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

branches off, to add oil to his truck. This was approximately 5:30 or 5:45 p m. The weather was cloudy, but there was no snow on the ground. He said that he observed something in the ditch on the side of the road and called it to the attention of his partner. When they went to look they saw a trail of blood leading to a sleeping bag and a blanket in the ditch. They looked under the sleeping bag and the blanket and saw two dead men. He described the area where the bodies were found.

Plaintiff's Exhibit No. A (Photo) previously marked at trial in Cascade, Ida., identified and offered with an enlargement of the same photo, with the same exhibit No. Exhibit was admitted.

Plaintiff's Exhibit No. G (Photo) previously marked at Cascade, Idaho, and enlargement of same with same exhibit No., identified, offered and admitted.

Plaintiff's Exhibit No. G (Photo) previously marked at Cascade, Ida, with enlargement of same with same exhibit No., identified, offered and admitted.

Plaintiff's Exhibit No. J (Photo) previously marked at Cascade, Ida, with enlargement of the same with same exhibit No., identified, offered and admitted.

Plaintiff's Exhibit No. B (Photo) previously marked at Cascade, Ida. with enlargement of the same with same exhibit No., identified, offered and admitted.

He stated that he was notified the Sheriff and got a ride back to the scene of the accident and waited for the Sheriff to arrive from Cascade, Idaho. He waited around there with Sheriff Lynsky for a time and went on home.

Mr. Robinson cross examined Mr. Hall

Plaintiff's Exhibit No. 4 (sleeping bag) previously marked Cascade, Idaho, identified, offered and admitted

Plaintiff's Exhibit No. 5 (blanket) previously mared Cascade, Idaho, identified, offered and admitted.

There were no further questions by either attorney.
Mr. Remaklus asked if this witness could be excused.
There was no objections by Mr. Robinson.
Witness excused.

Roy Lynn Hall Troy, Idaho, called, sworn and direct examined by Mr. Remaklus. He said that he is sixteen years of age and has worked in logging for his father for the past two years, he was so engaged in this work in November 1974. That on Nov. 5, 1974 he was working five miles out of Donnelly, Idaho, and living at Cascade, Idaho. He was riding back and forth to work with Johnny Hill, in his car. That they stopped on the highway, on the way home, to put oil in the car, he got out to put the oil in and noticed a couple sleeping bags or blankets thrown in the ditch, he told Johnny Hill about this and he got out of the car and they went to look, as they pulled back the sleeping bag and the blanket, they notice two dead person under these.

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
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COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

He said at the time they were headed south, and the bodies were on the passenger side of the road. After discovery of the bodies they walked back to Donnelly and called the Sheriff, returning to the scene of the murder and waited for the Sheriff to arrive. They remained at the scene of the crime for 2 to 3 hours.

There was no further questions by Mr. Remaklus.

It was stipulated that the witness could be excused.

Court excused the witness.

Martin J. Maxwell (Jim), Chief Deputy of Valley County, Idaho, was called, sworn and direct examined by Mr. Remaklus. He gave a back ground of his experience in law enforcement. He said that he was on duty at the Sheriff's office at Cascade, Idaho on Nov. 5, 1974, and had occasion to investigate an incident near Donnelly, Idaho, on or about 5:30 p.m.. He said that he contacted Sheriff Lynskey and proceed to the scene of the accident. He said that at the site he found a pickup truck sitting there, pointed in a southerly direction. Several people were at the scene when he arrived. He said that it was just getting dusk and the weather was cold and over cast. Mr. Hall and Mr. Hill were among the people there, Sheriff Lenskey, Mr. Smith, Gene Hawker, Mr. Wesley Woodall, the Prosecuting Attorney and the corner, Burton Walker. He said that Brian Miller, McCall police officer was there and pointed out the two bodies in the drainage ditch. He described the location of this scene. It is a wide spot on the road, off the oiled portion of the highway, a junction of highway No. 55 and old highway No. 15, in Valley County, Idaho, approximately 1 mile south of Donnelly, Idaho.

The jury was admonished.

Court recessed 11:58 a.m.

Court reconvened 1:30 p.m., jurors returned, stipulated all present.

Mr. Remaklus continued to direct examine Mr. Maxwell. He was questioned regarding exhibits 1A, 1J, 1C, and 1G.

Plaintiff's Exhibit 3 and 3A (diagram and enlargement of same) previously marked at Cascade, Idaho, identified, offered and admitted.

Plaintiff's Exhibit 1L (Photo) previously marked at Cascade, Ida., was identified, offered and admitted.

He further stated that after his arrival at the scene of the murder he attempted to identify and gather physical evidence. They made a diagram of the area (Exhibit 3 and 3A) and took pictures. He was at the scene until around midnight. He said that Brian Miller was left at the scene to keep the area secure during the night.

Plaintiff's Exhibit No. 7 (plastic fragments of dom. light) previously marked at Cascade, Idaho were identified.

Plaintiff's Exhibit No. 6 (large piece of asphalt) previously marked at Cascade, Idaho, was identified, offered and admitted.

Mr. Maxwell said that earlier that same day Nov. 5, 1974 he had received a report from the dispatcher in Cascade Idaho to investigate an abandoned vehicle. The dispatcher said that a report had been received from Steve Hager, of the State Highway Department about 4:30 p.m.. He went to the location of the car, which was south of Cascade on highway 55.

Plaintiff's Exhibit 28A (Photo) previously marked Cascade Co. Idaho, identified, offered and admitted.

Approved: J. Ray Durtschi, District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant | October 6, 1975 Date

(CONTINUED)

He said that when he looked inside this abandoned car, that he noticed several papers on the seat, blood smears on the steering wheeland door panel. That papers and shell casings were found in the car. The papers were removed from the car at that time.

State's Exhibit No. 27 (documents found in car) previously marked at Cascade Co., identified, offered and admitted.

As soon as he found the shell casing and what he believed to be blood, he contacted Sheriff Lenskey, and had the vehicle moved to Cascade, Idaho by way of wrecker and it was impounded, first at the Sheriffs office and later moved to a garage and was there locked up. The following day on Nov. 6, 1974 he went to the garage with Mr. Woodall, after, Jerry Fletcher, a State Investigater had gone over the car. He took some pictures of the inside of the car. He said that he had advised the investigator where the 22 shell casings were located in the car. He did not remove the casing, they were in what appeared to be a large amount of blood.

Plaintiff's Exhibit No. 29 A(Photo)
Plaintiff's Exhibit No. 29B (Photo)
Plaintiff's Exhibit No. 29 C (Photo)
Plaintiff's Exhibit No. 29 D (Photo)
Previously marked at Cascade, Idaho, identified, offered and admitted.

Plaintiff's Exhibit 28 G (Photo)
Plaintiff's Exhibit 28 B (Photo)
Plaintiff's Exhibit 28 C (Photo)
Plaintiff's Exhibit 28 D (Photo)
Plaintiff's Exhibit 28 E (Photo)
Plaintiff's Exhibit 28 F (Photo)
Previously marked in Cascade, Idaho, identified and admitted by the court.

The jury was admonished by the court.
Court recessed 2:25 p.m.
Court reconvened 2:40 p.m.
Jury was returned and stipulated all present.

Plaintiff's Exhibit No. 42 (Photo) previously marked at Cascade, Idaho, identified.
Plaintiff's Exhibit No. 43 (Photo) previously marked at Cascade, Idaho, identified.
Plaintiff's Exhibit No. 44 (Photo) previously marked Cascade, Idaho, identified.
Plaintiff's Exhibit No. 45 (Photo) previously marked Cascade, Idaho, identified.
Plaintiff's Exhibit No. 46 (Photo) previously marked Cascade, Idaho, identified.
Plaintiff's Exhibit No. 30 (dome light) previously marked Cascade, Idaho, identified, offered and admitted.
Plaintiff's Exhibit No. 7 offered and admitted.
He testified that while the car was impounded in Budrow Service Station it was finger printed, blood stains were taken and other investigation made.

Officer Woodall issued a bulletin for the defendants from Valley County. The description put in the bulletin was for a white male, early 20's, medium build and a young female, dark blue maxi coat, long blond hair.

Approved:

J. [illegible] Swanstrom
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

This description had been given to him by Mr. Lister Kelly.
He was later notified from Glens Ferry, Idaho, that they had two persons in custody fitting this description. He and Mr. Woodall went to Mountain Home, Idaho, which is east of Boise, on Nov. 8, 1974, they went in his county car, arriving at Mountain Home at about 8:30 a.m.. They met the Elmore County Sheriff and deputy at a cafe and from there proceeded on to the Sheriffs office. When they arrived at the Sheriffs office they talked to Carol Spaulding. Officer Woodall and himself then went to the commissioners room where all the items taken from the two persons, Thomas Creech and Carol Spaulding were at, and they took possession of these items from Jack Freeman. These items were put in plastic bags.

State's Exhibit, previously marked at Cascade, Idaho were identified by Mr. Maxwell.

State's Exhibit No. 22 (pistol) identified.

State's Exhibit No. 23 (holster) identified.

State's Exhibit No. 25 (coat) identified.

Saate's Exhibit 25A (2 boxes 22 caliber long rifle shells from bag of Carol Spaulding) marked and identified.

Saate's Exhibit No. 47 (plastic bag, containing items with Q numbers 25 through 31) marked identified, offered and admitted.

State's Exhibit No. 41 (10 live 22 caliber shells) identified.

Mr. Maxwell said that he talked to the defendant, Thomas Creech at the Mountain Home plice station. He was also in the car when the defendant was transported back to Cascade, Idaho from Mountain Home, Idaho. All the clothing and items taken from the two defendants were taken back in the trunk of the car. He said that the car taking Mr. Creeck and Miss Spaulding back was driven by Mr. Woodall. They arrived back in Cascade at approximately 9:30 p.m..

He sa[illegible] that while he was in Mountain Home he went to court for arraignment proceedings with Miss Spaulding. He also was present when a conversation was had with Mr. Creeck, Present during that conversation was the defendant, Creech, Mr. Woodall, Mr. Mason, Miss Spaulding and Mr. Maxwell.

The jury was admonished and excused at this time.

The court questioned Mr. Maxwell regarding this conversation? He said that the defendant was entitled to object to the statement, and asked if this conversation was a part of the Motion to Suppress.

Mr. Robinson said that the conversation to be testified to here are within the scope of the Motion.

The court made a statment that the Motion to Suppress was not directed to any orsl statment of defendants, he asked if a foundation has been laid to oral statement. He said that based on the foundation given in Motion to Supress hearing, regarding exhibit B, admitted at that hearing, that the defendant had fully advised of his rights at thetime of statement. and this would carry over to the time being transported back to Cascade from Mountain Home, that this statement was voluntarily given. That the ruling at Motion to Suppress hearing only goes to the statement revealed at that time.

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff — Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant — October 6, 1975 (Date)

(CONTINUED)

The court advised counsel that any other statement not involved in the hearing at the Motion to Suppress was left open and the court was to rule on it at the time of admittance, if statement was voluntarily given, or it could be left up to the jury to determine if the statement was voluntary or not. The court makes the ruling that the statement was voluntarily given and is admissable. The jury can give whatever weight to it that it wants to.

Mr. Robinson made a statement to the court.

Mr. Remaklus said that Mr. Maxwell would testify only that on the way back from Cascade, as they passed mile post 94, that the defendant made a statement that that was the place they left the car, the place being near Cougar Mountain Lodge.

Mr. Robinson said that he was satisfied that this would come within the scope.

Court recessed 3:35 o'clock p.m.

Court reconvened 3:50 p.m.

Jury was returned and it was stipulated all present.

Mr. Remaklus continued examination regarding the conversation had in the car on the way back to Mountain Home. Mr. Maxwell said that they were driving along the highway and at mile post 94 the defendant stated that was the place that they had left the car, and pointed out Cougar Mountain Lodge, as the place that they had spent the night.

Mr. Maxwell said that the car was found around mile post #94, that this is approximately five miles from Cougar Mountain Lodge, and that Cougar Mountain Lodge is between Cascade, Idaho and mile post #94.

Mr. Maxwell was asked where all the objects brought back from Mountain Home to Cascade were kept. Mr. Maxwell said that all these were put in the Sheriffs office vault while the defendant was taken to court for arraignment proceedings. The items were then removed to his office and labeled and tagged and then taken to Boise, Idaho to Mr. Masons office where they were wrapped and sent to the FBI lab. in Washington D C. That the clothing from the victims and some of the bullets had been delivered to him by Sheriff Lynskey. He said that th Q numbers are on all items in the plastic bags. Q 34 and Q35 in small plastic bag, Q36 to Q41 in large plastic bag, and Q42 to Q49 in one large plastic bag. He said that he mailed all the evidence to the FBI lab personally. That he picked up these items at the post office when they were returned from the lab. He said that there were four (4) boxes mailed to the lab in Washington D.C., these were sent registered and insured. He said that when these four boxes were returned they had the original wrapping on them in tact.

He was asked what wasl mailed to the FBI in the four boxes?
Mr. Maxwell said that the four bullets removed from the victims were sent in the small box.

State's Exhibit No. 10, previously marked at Cascade, Ida. (slug) identified.
State's Exhibit No. 11, Previously marked at Cascade, Ida, (slug) identified.
State's Exhibit No. 12 previously marked Cascade, Ida. (slug) identified.
State's Exhibit No. 13, previously marked Cascade, Ida (slug) identified.
Mr. Maxwell said that Q5 and Q6 (fired 22 caliber casings) were mailed to Wash. D.C. lab.
State's Exhibit No. 48 (shell casing) marked, identified, offered and admitted.

He stated that after the boxes were returned they were locked in the vault at the Sheriffs office at Cascade and opened at the trial at Cascade, Idaho. That this evidence was re-sealed and locked in the evidence vault by Mary Hill, and then brought by him, in his car to Wallace, Ida, and locked in the evidence vault at the Shoshone County Public Safety Bldg. This was opened by Mary Hill, Mr. Remaklus, Mr. Robinson, himself and the [illegible].

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975 (Date)

(CONTINUED)

and brought into this court room this morning.

State's Exhibit No. 26 (box 22 shells) previously marked at Cascade, Ida. was identified.

State's Exhibit No. 27A (yellow tablet (legal Pad) with letter Joyce from Wayne, taken from 1956 Buick) marked, identified, offered and admitted.

The court said that there were matters to take up out of the presence of the jury so the jury was admonished and recessed until tomorrow at 9:30 a.m.

Court recessed 4:20 p.m.

Court reconvened 4:40 p.m.

The court said that it had requested counsel to transcribe from the tape recording and present this transcript to the court.

Mr. Thomas made a statement to the court said that this was previously submitted, with exhibit A attached. this relates to statements and confessions of defendant, and he would like this admitted, the part of page 48, fifth line down, omitting lines 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, rest of page 48, page 49 page 50 except 7, 8 and 9th line from bottom.

Mr. Robinson agreed with this.

The court sated that he had already considered original statement. That he would not consider admission of the tape of conversation in plane. He would admit everythin in transcript up to page 48, beginning with line 7 on page 48 through to line 9 on page 49, all page 50 except line 7 up from the bottom of the page.

Mr. Robinson agreed to this.

Court recessed 4:50 o'clock p.m.

FIFTH DAY

October 10, 1975
One Hundred Ninety Fifth Day
Present as before

The court advised counsel that the [redacted] baliffs had been sworn in by court but that the court had neglected to swear in [redacted] baliffs, but had warned them personally of their duties. The [redacted] baliffs have reported no incidents. If counsel wants to they can question the baliffs.

No questions by counsel.

The Clerk was instructed to give Mr. and Mrs. Armbruster the oath, and day baliffs.

The court said that matters taken care of last night would be offered as Exhibit No. 49.

This was so stipulated by counsel.

Mr. Robinson said that this exhibit was not to go to the Jury, except the portion agreed to.

The court said that none of exhibit No. 49 would go to the jury.

States's Exhibit No. 49 (statement) marked and admitted.

The court said that exhibit No. 49 is not to go to the Jury for any purpose, only edited portion on tape.

Mr. Thomas said that Dr. Heyrends written report has been received.

Mr. Robinson asked if there was any presciptions with the report?

Approved: J. [redacted] District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

Mr. Thomas said that he knew nothing about any prescriptions. Mr. Thomas said that Dr. Heyrend did not address himself on one question if he was of the opinion that this crime was a product of mental defect, but will do this when he testifies in this matter.

Mr. Robinson informed the court that he found the prescriptions for the defendant in his envelope.

Jury was returned and it eas stipulated that all were present.

Mr. Maxwell resumed the stand and Mr. Remaklus continued direct examination.

Plaintiffs Exhibit No. 3 (diagram) was offered and admitted.

Mr. Maxwell said that he had checked the sheriffs log last night, and wished to correct the date testified to yesterday, that the original day was Tuesday, Nov. 5, 1974, not Monday, which was the day of the crime.

Mr. Robinson cross examined the witness, Mr. Maxwell. He was asked if he or Sheriff Lynskey had complete harge of the two deaths being investigated. Mr. Maxwell answered that he was part of the team investigating this and they started to determine the identity of the victims, this chore was assigned to Bud Mason, which was learned by him through photos and finger prints comparisons from written documents.

Defendants Exhibit A (copy FBI rap sheet- Bradford) marked, identified, offered.

Defendant's Exhibit B (FBI rap sheet - Arnold) marked, identified, offered (synopsis 12-29-73)

State's Exhibit No. 17/previously marked Cascade, Ida. identified, offered.

State's Exhibit No. 18 (mugshot) marked, identified, offered

State's Exhibit No. 19 (teletype) marked,identified, offered.

Mr. Maxwell said that these were all part of his investigation filed and ask to make photo copies of this.

Mr. Remaklus objected to exhibits #17, #18, Deft. A and B.

The court said that this was improper cross examination and sustained the objection.

Mr. Robinson asked if he had anything else to identify the victims? Mr. Maxwell said nothing in his file, most of his things had been turned over to the State's attorneys.

Mr. Robinson asked that between Nov. 5, 1974 and Nov. 8, 1974 if the investigation of the victims had taken any other turn, other that to the defendant and Miss Spaulding? If anyone else had come into the scope of their investigation?

He answered No, but the investigation did continue after Nov. 8, 1974 in regards to lab tests, but the case was established against the defendant, Thomas Creech.

Mr. Robinson asked if Exhibit 3 and 3A was correct to all details as found on Nov. 5, 1974. Witness answered that it was.

Mr. Remaklus re-direct examined. He asked if there had been any reason to pursue any other suspenct in this matter.

Mr. Maxwell answered that there had been none.

Mr. Robinson ask that this witness remain available for further questioning.

Jury admonished.

Approved: J. Ray Durtschi, District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

October 6, 1975 Date

(CONTINUED)

Court recessed 10:00 a.m.
Court reconvened 10:20 a.m.

Steven R. Hager, Cascade, Idaho, called, sworn and direct examined by Mr. Remaklus. He said that he is employed for the State Highway Dept. as a maintenace man, is 21 years of age. He was so employed in Nov. 1974. He maintains the highway from Horse Shoe Band past Cougar Lodge to Donnelly, this is highway #55 and 16. He said that he resides in Banks, Idaho. He said that he saw the abandoned car on the highway on Nov. 4, 1974 first, this car was headed south on the north bound lane, and was a Buick make. He said that he did not notify the Sheriff until Nov. 5, 1974 of the car. He looked in the car and took the keys and opened the trunk, looked over the river bank incase someone had been hurt, he found a bunch of papers which he picked up and put in the front seat of the car, then called the Sheriff.

There were no questions by Mr. Robinson.
It was stipulated that this witness could be excused.

Geraldine Fletcher, Meidan, Idaho, was called, sworn and direct examined by Mr. Remaklus. She said that she is employed by the State of Idaho Department of Law Enforcement as a finger print technician, for which she had four years training, and has expierence in trying to raise finger prints in approximately 300 cases. She was so employed as a technician in November 1974. On Nov. 6, 1974 she went to Cascade, Idaho on a call to process an automobile, the same auto as pictured in exhibits 28A and 28G. This investigation was made at the Philips 66 station at Cascade, Idaho. She described the investigation. There were finger prints, but just partial ones.

States's Exhibit No. 42 (photo) previously marked at Cascade, Idaho, identified and offered.
State's Exhibit No. 43 (photo) previously marked Cascade, Idaho, identified and offered.
State's Exhibit No. 44 (Photo) previously marked at Cascade, Idaho, identified and offered.
State's Exhibit No. 45 (Photo) previously marked at Cascade, Ida. identified and offered.

Mr. Robinson objected.
Court sustained objection.

Mr. Remaklus continued examination. He asked if while she was inspecting the car if Officer Maxwell and Officer Mason were there? She answered that they were there part of the time.

Plaintiff's Exhibit No. 46 (22 cal. shell casing) previously marked, was identified
Plaintiff's Exhibit No. 48 (22 cal. shell casing) previously marked, was identified.
She said that she took exhibits #46 and #48 to Boise, Ida. and turned them over to Officer Mason, then they were sent to Wash. D.C. lab.

Mr. Robinson cross examined the witness. She testified that there were partial finger prints on the doors and steering wheel, but were un-identifable. She said that she compared the prints to those taken by Mr. Mason of the victims, but these were too smudged to tell for sure. She said that the victims were positively identified through finger prints tho.

Approved:

District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

Mr. Remaklus asked if it was unusal to locate only smudged prints?
She answered that it was not.
Mr. Robinson asked if smudged prints identified anyone?
She answered they did not

Richard A. Crum, Centerville, Va., was called, swom and direct examined by Mr. Remaklus. He stated that he is a special agent with the FBI, and has been for the pas five and one-half years. His duties are the identification of fire arms. He explained his educational back ground, and special training. He said that in Nov. 1974 he was so employed. He inspected the four card board boxes, these were the same boxes received at the labatory in Nov. 1974 containing specamins for examination. These items were given Q numbers 1 through Q 49 and K 1, He related that the Q 1 through Q 4 were 4 bullets, Q 1 now marked at Plaintiffs. Exhibit 11, Q2 now marked Plaintiff's Exhibit 12, Q3 now marked Plaintiff's Exhibit 13, Q4 Now Stae's Exhibit No. 10, Q5 now states exhibit 46, Q6 now States Exhibit No. 48, Q 6 through Q 16 are contained in States Exhibit No. 41. Q 17 through Q 24 and Q 41 through Q 49 contained in exhibit 24. Mr. Crum explained the examination made on the exhibits received by him. He said that after the examination of the items marked with Q or K numbers, he returned them to Valley County, Idaho to the Sheriff by registered air mail and 1 box air express C.O.D..

Mr. Robinson cross examined Mr. Crum. He said that Q Numbers were forwarded to Tony Hodge for examination. A written report was prepared by him and sent to Valley County Sheriff, this report was prepared from his own examination of items marked Q 1 through Q 16 and K 1 and the Hodge report made to him of examinations of Q 17 through Q 49. He explained his examination of Q 5 and Q 6. He said that he made test cartridges to compare to the cartridges submitted to him. He was asked if there was any question that Q5 and Q6 were fired from the gun marked K1? He answered that there was no doubt in his mind.

Mr. Remaklus re direct examined Mr. Crum regarding the Q numbers and K numbers given exhibits.

Alvin E. Hodge, called, sworn and direct examined by Mr. Remaklus. He stated that he is a special agent with the Federal Bureau of Investigation in Washington D.C. He gave his educational back ground and the nature of his work, of identifing blood and other body fluid. He was so employed in this field in November and December 1974.

Mr. Robinson said that he would stipulate that Mr Hodge did the examinations of items marked Q17 through Q 49.

Mr. Remaklus questioned him as to the result of the tests from his work sheet.

Jury was admonished.
Court recessed 11:23 a.m.
Court reconvened 11:45 a.m.
Jury returned and it was stipulated all present.

Mr. Remaklus continued to examine Mr. Hodge as to the tests on blood tests. He identified the following items as to Q numbers. Q 17 Spaulding coat, Q 18 Spaulding slacks, no blood present, blood on Spaulding coat could not type. Q 19 Spaulding stockings, Q 21 Spaulding Blouse, Q 22 Spaulding panties, Q 23 Spaulding left shoe, Q 24 Spaulding right shoe, Q 25 Creech pants, Q 26 left shoe Creech, Q 27 Creech right shoe, Q 28 Creech shirt, Q 29 Creech belt, ~~Q-30-Creech~~ all these items were found negative. Q 30 Creech Levi Jacket, Q 31 Creech Nylon jacket, both were found to have human blood staining on them.

Approved:

J. Ray Durtschi

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct. 6, 1975 Date

(CONTINUED)

Q32 and Q33 socks of Creech negative findings, Q34 Creech pants were found to have human blood on them, Q 35 Creech shirt was found to have human blood, O 36, shirt from unknown person found to have group A blood, Q37 trousers from unknown person found group A blood, 37A found blood.

Jury was admonished for noon recess.

Court reconvened 1:30 p.m.

Jury was returned and it was stipulated all was present.

Mr. Remaklus continued to examine Mr. Hodge. Who related his findings on Q38 undershirt of unknown party, Q39 of unknown party, sock and also Q40, Q41 belt unknown, blood found negative. Q 42 Shirt, Q43 trousers, Q44 under shirt, Q45 undershorts, Q 46 and Q47 socks, Q48 left shoe, Q49 right shoe all belonging to victim Arnold found with A type blood.

State's Exhibit No. 50 (copy of report notes) marked, identified, offered and admitted.

Mr. Robinson cross examined Mr. Hodge. He testified that he did identify human blood group A that of victims Arnold and Bradford. He said that he had seen the copy of the report by Mr. Crum and sent to Sheriff Lynskey. He reviewed this report and checked with his notes. He said that the conclusions made was that the human was limited to Q No. 17, 46, and 49, no blood was found on Q Nos 18 through 29 and on 32, 33, 39, 40, 41, that group blood was found on 30, 31, 34, 35, 38. He related again how the tests were made. He was asked if he had determined if any of the garments had been washed? He stated that he had not, but under normal conditions this can be told and he was sure that he would have noted it if it had. He examined Q30 and Q31 jackets of the defendant Creech, Mr. Hodge said that he would guess that they had not been washed.

Mr. Remaklus re-direct examined Mr. Hodge. He said that he was unable to make blood grouping on Q 30 and Q 31, there was something in the material that could not group.

It was stipulated that Mr. Crum and Mr. Hodge could be excused.

Burton Walker, McCall, Idaho was called, sworn and direct examined by Mr. Remaklus. He said that he owns and operates the Walker Funeral Home, and has since 1958. He is also Coroner for Valley County, Idaho, since 1960. He was coroner on Nov. 1974. He had the occassion to go to a place on highway #55, 1 mile south of Donnelly, Idaho, where he saw two bodies. As coroner he made an examination of the bodies at that time and determined that both bodies were in the same condition, that they had been dead about 24 hours. He said that later on that evening he loaded the bodies in his hearse and transported them to McCall, Idaho, the time of this was about mid-night on Nov. 5, 1974. He left the bodies in the hearse and made arrangements for a post mortem examination, and next morning took them to Boise, Idaho to the St. Alphonsus Hospital. These two bodies were taken and delivered to a Dr. Scott. He remained at the hospital for the first autopsy of the unknown victim, later found to be John Wayne Bradford.

Mr. Robinson cross examined Mr. Walker. He said that he was not a doctor so the autopsy was done at his request. He requested that a blood check, urine test be made on the victim Bradford, he was not sure that a drug screen test was made or not.

Mr. Burton was excused at this time but ordered to remain in the court for further questioning.

Dr. Delbert E. Scott M.D. was called, sworn and direct examined by Mr. Thomas. He said that he is a physician there. He gave his educational

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH, Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

background to the court. He said that on Nov. 6th and 7th, 1974, he performed the autopsies on the victims Arnold and Bradford. The autopsy on Bradford was performed on Nov. 6, 1974, he described the proceedure, he removed three bullets from the face and neck of this victim. He made internal tests, urine test, blood tests. His opinion was that death was caused by gun shot wound. When asked what shot that he felt had been the fatal one, he replied that it appeared to be the one right of the right nostril. It was his opinion that the shots were fired from 2½ and 3 ft. distance.

On Nov. 7, 1974 the autospy was performed on Mr. Arnold, the identity of this victim had been learned from Mr. Bud Mason. He said that in the presence of Mr. Mason he performed this autospy, made the usual blood, and alcohol tests. He removed one bullit from this victim in the right temple area. He gave this slug to Mr. Mason. It was his opinion that this gun shot severed the artery causing death. He said that there were no powder burns, impling that this shot was a distance greater than arms length. He said that the bullets taken from the victim Bradford was given to Sheriff Lynskey.

Jury was admonished and excused.
Court recessed 2:35 o'clock p.m.
Court reconvened 2:45 o'clock p.m.
Jury was returned and stipulated all present.

Mr. Robinson cross examined Dr. Scott. He asked if the victims had any tatoos? He replied that there were around 15 or 20 of them.

Defendant's Exhibit C(Post Mortem-Bradford) marked and identified.
Defendant's Exhibit D (Post mortem - Arnold) marked and identified.
Exhibit No. C offered.
Objection by Mr. Thomas, not original.
Dr. Scott stated that the original was sent to Mr. Walker or Sheriff Lynskey. Dr. Scott read the illegible part into the record and then it was stated that a more legible copy would be substituted.
Exhibit C admitted.
Defendant's Exhibit D was offered and admitted.
The court agreed that the copy could be filed and a more legible copy be substituted.

Mr. Robinson questioned Dr. Scott as to the mark on the back of Mr Bradford? He said that no reference was made to this mark.

Mr. Thomas re-direct examined Dr. Scott. He said that no mention was made to the makr as it was not related to death of victim.

It was stipulated that Dr. Scott could be excused.
Defendant's Exhibit E (Beals report) marked.

Loren Beals, Boise, Idaho was called, sworn and direct examined by Mr. Thomas. He said that he works at the St. Alphonsus Hospital and St. Luke Hospital, Boise, Idaho as a toxicologist and chemist and has been employed as such since 1970. He gave his educational background. He said that he received blood and urine samples from two victims from an autopsy on Nov. 6 and 7, 1974.

Mr. Remaklus stated that the original copies of Exhibits C and D have been located and these were substitued for the copies. Exhibits C and D were marked, and admitted and the copies withdrew.

It was stipulated that Dr. Scott could now be excused.

Mr. Thomas continued the direct examination of Mr. Beal. He said that when he received the samples on Nov. 6, 1974 that he did not know

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff

vs.

THOMAS EUGENE CREECH, Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

the idenity of the individual, only as #3146. On Nov. 7, 1975 he received samples from one identified as Arnold also known as #3147. He said that later he learned that #3146 was Bradford. He related the test made. That the alcohol test on Bradford was 0.14 and the one on Arnold was 0.195. He found no trace of drugs. There was an indication that considerable alcohol beverages had been consumed.
Plaintiff's Exhibit 51 (blood sample) marked and stipulated admitted.
Plaintiff's Exhibit No. 52 (blood sample) marked and stipulated admitted.
Defendants Exhibit F (Beal Report on Arnold) marked, identified, offered.
Defendant's Exhibit G (Beal Report on Bradford) marked, identified, offered.

Mr. Beal said that exhibit F on Arnold showed 0.195 and Exhibit G for Bradford showed 0.14

Defendant's Exhibit F and G were admitted.

Dr. Beal said that the tests revealed no drugs, just alcohol.
It was stipulated Mr. Beal be excused.

Steven Paul Rivers, Portland, Oregon was called, sworn and direct examined by Mr. Thomas. He said that he came in contact with the defendant in Nov. 1974 when he was traveling across the country from Portland, Ore. to Baltimore, Maine. He said that he met the defendant on Interstate 80, in Idaho at a rest area. He stopped there and was approached by Carol Spaulding, s e asked if her and her boy friend could stay in the car for awhile, as it was very cold and they wanted to warm up. He told them that he was on his way to Salt Lake City and could give them a ride. After they had been on the road for a while he wanted a cup of coffee so pulled in to Glens Ferry, Idaho. He and Carol Spaulding went in the cafe, but the defendant, Creech stayed in the car. They went out and got in the car and started out of town they were apprehended by the police. The police took the three of them into custody at this time. They were all taken to the police station at Glens Ferry and later on transferred to Mountain Home, Idaho. He was asked if he noticed any unasal action of the defendants? He said no just concern at being stopped. He said that when he pulled over he thought that he was stopped for spot check.

Mr. Robinson cross examined Mr. Rivers. He testified that they were stopped at approximately 2:00 o'clock a.m, he got his license and his registration ready. When he got out of the car he saw two guns pointed at them. They were made stand by the car and frisked. At the time they were stopped he was driving, Miss Spaulding was in the middle and Mr. Creech on the passenger side of the car. He got out the drivers side and the other two got out the passenger side of the car. They were at the scene of the arrest about 15 minutes. They were advised of their rights at the police station at Glens Ferry several times. He was asked if he was present when Miss Spaulding and Mr. Creech was given their rights? He said that he didn't remember. He was asked if the police found any drugs in his car?

The court said that this matter would be taken up outside the presence of the jury.

Jury admonished and excused.

The court advised the witness that he was protected by self incrimination.

The defendant said that he declined to answer this question.

Mr. Robinson said that if he wants the fifth amendment right must state in front of the jury.

Approved:

Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

He said that he went to the Sheriffs office and reported a couple on Nov. 6, 1974, after he had heard that a car was towed in and that a couple of murders had been reported. He asked if the car was a "55 or"56 Buick? After thinking about it he called and agve a description to Mr. Maxwell. He later went to look at the car with Sheriff Lynskey, and was sure that it was the same car he had seen near Lewiston.

Mr. Robinson cross examined Mr. Kelley regarding his trip to Lewiston, Idaho on Nov. 3, 1974. He said that he was towing a car up to the top of Lewiston hill. He left Cascade, Ida. around noon for Lewiston. He went a couple miles past junction 95 when he saw the car for the first time near the Indian Mission, he said that he is interested in cars and he noticed this one and the people standing beside the car, by the road. He noticed the girs in the long blue coat and her long blond hair, the man had chin whiskers and shoulder length hair. He described the route he took back from the top of Lewiston hill. He went by way of Kamiah and stopped there at his sons in-laws for cofee, approximately 8:00 p.m., staying there about one-half hour, on to Kooskia on to Grangeville, joining up with U. S. 95 there, using #95 to New Meadows. The second time he saw the Buick was around Slate Creek, below Whitebird Hill, this was around 10:-0 o'clock p.m, he didn't see the passengers at this time, as it was dark. The next time was down the Canyon on #55 near Cougar Mountain Lodge. He was asked if any other indivuals around the car? He answered no. He said that he noticed that it had out of state license plates, and that he had saw a pay ware substitute for a window, he had thought at first that it was a blanket hanging in the window, but later discovered it was a piece of plywood.

Mr. Remaklus questioned him regarding the window.

There was no further questions of this wintess.

It was stipulated that he be excused.

Jury admonished and excused.

Recess at 4:50 p.m..

SIXTH DAY

Oct. 11, 1975
9:30 a.m.
Present as before
One Hundred Ninety Sixth Day

The jury was returned and it was stipulated all were present.

John L. Stewart, Grangeville Idaho, was called, sworn and direct examined by Mr. Remaklus. He said that he is eighteen years of age, and works part time at Mitchell Texaco Station, and was so employed in Nov 3, 1974. He said that the auto pictured in exhibit 28A was the car that came into the service station on Nov. 3, 1974. They came into the station two times, the first time they wanted to know if he wanted to buy a battery charger, and he told him that he had no money to buy one, so they left. The next time they came in and brought some gas. There was three persons in the car, and he described them, saying that the defendant was one of them. He said that it was about 7:40 p.m., and he remembered this as it was about closing time. He said that there were beer cans and a sleeping bag in the back of the car.

Mr. Robinson cross examined Mr. Stewart regarding the people in the car.

Mr. Remaklus re-directed examined the witness regarding the defendant, and how he is sure he recognized him at this time.

It was stipulated the witness could be excused.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Octo. 6, 1975 (Date)

(CONTINUED)

Anne Bradley, Boise, Idaho, was called, sworn and direct examined by Mr. Remaklus. She said that she is a criminolist with the Idaho State Department of Health and Welfare. She gave her educational back ground and what her duties consisted of. She was so employed in 1974. She conducted tests on objects in connection with this case. These objects she got from Mr. Bud Mason. She said that the envelpe that she received from Mr. Mason has been in her custody at all times.

State's Exhibit 53 (Plastic evnelope containing dried blood - group A) marked, identified, offered and admitted.
State's Exhibit 54 (piece of cardboard) marked, identified, offered and admitted.

Mr. Robinson cross examined Miss Bradley. She said that she had no other knowledge of exhibit No. 53 and 53 except her examination.
Plaintiff's Exhibit 53A (envelope marked #2) marked, identified, offered and admitted.
Plaintiff's Exhibit 54A (envelope marked #1) marked, identified, offered and admitted.

Mr. Robinson re-cross examined. Miss Bradley advised him as to which writing on envelope #1 and #2 were here.

It was stipulated that the witness be excused.
Jury admonished.
Court recessed 10:01 a.m.
Court reconvened 10:14 a.m.
Jury was returned and it was stipulated all present.

Carol Spaulding, called, sworn and direce examined by Mr. Remaklus. She said she is 18 years of age, and is in the Nevada State Prison, and has been since May 1975, before that was in the Idaho State Penitentiary. She said that she is acquainted with the defendant, she met in Fresno, Calif., in Spet. 1974. after she met the defendant in Calif., she traveled with him for some time, first to Clarkston, Wn, then to Kentucky and then back to Lewiston, Idaho. They arrived in Lewiston, Idaho on or about Oct. 30, 1974. They stayed at a hotel there and at her mothers place (Martha Spaulding, 2408 8th Ave, Lewiston, Idaho) The defendant was with her at her mothers place. She said that they were there approximately one week. Earley on Nov. 3, 1974 they were at her mothers. She left there with the defendant and started hitch-hiking to Boise.

The witness at this time requested the court to appoint an attorney to represent her in this matter.

The jury asked to leave the court room at this time. They were admonished by the court.

The court questioned the witness as to why she wanted an attorney. She said that she might say something that would incriminate herself. She is without funds with which to employ an attorney, but feels that she should have one to represent her.

Mr. Remaklus said that Miss Spaulding is not charged here and is not a suspect.

Mr. Robinson said that he feels that Miss Spaulding should have counsel.

The court said that the only way that the witness would need legal counsel is if she could incriminate herself by her testimony.

Mr. Robinson said that he felt that Miss Spaulding-- Spaulding should have counsel because of her total involvment. The witness has previously been convicted as an assesory in this case.

Mr. Remaklus stated that this is true.

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, **Plaintiff** | **Docket No.** 9701

vs.

THOMAS EUGENE CREECH **Defendant** | October 6, 1975 (Date)

(CONTINUED)

Miss Spaulding has been in the Idaho State Penitentiary and also the Nevada Penitentiary on this conviction. Under 18-301 I.C. this would prohit a second prosecution for same cause, but could be possibility of a second offense involved.

Mr. Robinson made a statement to the court, he said that many things might come to light in this case and feels that Miss Spaulding should be represented by counsel.

The court said that he could see no need to answer any questions on any out of State involvment.

Mr. Robinson stated that he is sure that the court is aware of the intent of the defense, that the material covered in the polygraph report and the basis of defense is that the defendant did not commit the murders in Idaho.

The court said that he is not in agreement of this in the case. He said that he would appoint a local attorney to represent Miss Spaulding, but does not want a delay in this trial.

Mr. Remaklus said that he has other witnesses that he can go ahead with at this time.

The court said that he would allow Miss Spaulding to be withdrawn as a witness and would appoint counsel to represent her. The only issue of concern here is self incrimination and the only issue to be consulted on.

The jury was returned and it was stipulated that all were present.

The court informed the jurors that he was allowing Miss Spaulding to withdrawn as a witness temporarily.

William Sherman Hill, Glens Ferry, Idaho was called, sworn and direct examined by Mr. Thomas. He said that he has been a city police officer for three years and was so employed on Nov. 8, 1974. He gave his education and back ground expierence. He said that he first came in contact with the defendant on Nov. 8, 1974, at approximately 2:00 a.m. in the morning. He had stopped at Hanson Cafe for coffee break and observed two subjects as they came into the cafe. He described the two people, identifing Miss Spaulding as one and Mr. Rivers as the other, he said that he had received a description earlier from Valley County, Idaho and one of the descriptions fit Miss Spaulding. He was examined on States Exhibit 24 as the maxi coat Miss Spaulding was wearing. He said that he went and phoned the Elmore County Sheriffs office for a back up unit. He was notified that there was no available units, and no State unit available so he called officer Menzik at his home and advised him of the situation. He said that he observed the suspects leaving town, headed east, he left the cafe and met Officer Menzik at a gas station, and they went in pursuat of the Rivers vehicle. They put on the light and the Rivers car stopped, he said that this car had Maryland plates on it andhe called in for a check on it. Both he and Officer Menzik got out of the car with guns drawn. They checked out the subjects in the car, making a pat search of each individual. He asked them for identification. Miss Spaulding said that she didn't have any, the defendant, Creech gave a drivers license, bearing the name of John Carl Adams. He said that Officer Menzik advised the three suspects that they were under arrest for murder, they were taken to the patrol car and advised of their rights, and each of the three were asked if they understood their rights and each answered in the affirmative. He explained the circumstances to Mr. Rivers. Officer Menzik asked Mr. Rivers for permission to look in his car and was given permission. He went to the car and came back with a black purse, and asked who it belonged to. No one answered. It was opened and on top was a gun and holster.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | Oct. 6, 1975 (Date)

(CONTINUED)

States exhibit No. 22 was examined and he said that he felt it was the same gun found in the purse. He said that Officer Menzik held up the purse so all three could see the gun, but there was no one who acknowledged it. He put the purse back in front of the defendants and made another pat search of the three. Officer Menzik asked Mr. Rivers for permission to drive his car into town. They radioed Elmore County for Officer Freeman to meet them for further investigation of this matter. The three persons were put in the patrol car and taken into the police station. They were taken into the station along with the purse that had been found in the Rivers car. He noticed that the ID given by the defendant, Creech was not his so advised Mr. Creech of this, Mr. Creech advised him that his name was Tommy Turner, so he contacted Elmore County to make check on this. Officer Menzik removed the clip from the gun and one shell from the chamber, had the subjects empy their pockets. Defendant Creech had more identification for a Joe Carl Adams, and he was asked about this, he also had four more 22 shells.

Officer Freeman arrived and he was given any information that they had. Officer Freeman again advised the three suspects of their rights, they were handed forms to sign that they understood these rights and they were signed by the suspects. A form was handed Mr. Rivers for consent to search his car, this was signed and Officer Menzik went out and made a search of the car. He found a blue coat that belonged to the defendant Creech. This was observed, along with a levi jacket of Creech and some stains, that were believed to be blood stains were found on both of the jackets. State's Exhibit #47 was identified as the two jackets mentioned by Mr. Hill. He said that the purse was checked and a pair of levis a tee shirt were taken out by officer Freeman.

The three suspects were then transported to Mountain Home for further investigation. He said that Miss Spaulding and Mr. Creech were taken in the back seat of police vehicle. Mr. Rivers rode with him in the Rivers car. When they arrived at Mountain Home a matron did a complete search of Miss Spaulding. They were met at Mountain Home by Officers Maxwell and Woodall.

Jury was admonished, and excused.

Court recessed 11:17 o'clock a.m.

Court reconvened 11:30 a.m.

Jurys returned and it was stipulated all were present.

Mr. Thomas continued to direct examine Mr. Hill regarding the items taken from the purse of Miss Spaulding, the pistol, holster, tee shirt, levis 2 boxes of shells and part of a package of Kool cigarettes.

State's Exhibit No. 55(Waiver of rights) marked and identified
State's Exhibit No. 56 (copy of statement, beginning with page 2) marked and identified.

He said that while the defendant Creech was giving his statment he appeared normal, maybe a little nervouse, but not under theinfluence of any drug or anything.

Mr. Robinson cross examined Mr. Hill regarding his written report of this arrest. He said that the report was written over the next two days after the arrest of the parties on Nov. 8, 1974. He stated that the suspects were arrested approximately 2:45 a.m. arriving at the Glens Ferry plice station at approximately 3:00 a.m. they were ther until about 4:15 a.m. then went to Mountain Home, Idaho, arriving there at about 4:45 a.m.. They went directly to the commissioners room with all three of the suspects and the confiscated property, and remained there with Mr Menzik until Miss Spauding was taken from the room and Mr. Creech was

Approved: J. Ray Durtschi, District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant | Oct 6, 1975 Date

(CONTINUED)

there with Officer Freeman and was examined for about 15 or 20 minutes. He was taken down stairs and Miss Spaulding was brought in and was questioned for approximately 20 or 30 minutes. Miss Spaulding was taken back down stairs and Mr. Creech was brought back to the room. This was approximately 7:00 o'clock a.m.. Mr. Creech was questioned this time for about 30 minutes, present at this time was the defendant, Creech, Mr. Winters, Mr. Freeman and himself. The defendant was then taken down stairs and a complete search was made and he was put in coveralls. Miss Spaulding was taken back up stairs for search by matron. The Mr. Rivers was questioned for approximately 20 to 30 minutes by Mr. Freeman. Mr. Rivers gave a written statement to Officer Freeman.

They then went out for breakfast, this was approximately 9:00 a.m. The defendant Creech and Miss Spauling were in cells at the plice station. About 10:30 they went back to the jury room, whrre all the items were held and more questioning of Miss Spaulding. He was present during this session, He described the actions of Miss Spaulding, she was very unruly and used much profanity during the conversation.

He said that he has been a police officer for about three years and has had the opportunity to see people that have been on drugs. He was asked if he felt that Miss Spaulding was acting normal? He answered that she wasn't behaving normally in this situation, but when she was at the pplice station at Glens Ferry she acted only as if she was scared, but once at Mountain Home begain using all kinds of foul language. He said that the questioning of Miss Spaulding this time ended about 11:00 a.m. She was then taken back to her cell and he did not see her again.

He said that he was present when Mr. Creech was brought back at approximately 2:00 p.m. that day.

He was asked if the actions of Miss Spaulding here today were the same as on Nov. 1974? He said that here actions were similar but that her language was not the same.

Defendant's Exhibit H (Hill report) marked, identified, offered

Mr. Thoms questioned the witness on voir dire, objected to the exhibit H.

Mr. Robinson continued examination of Mr. Hill regarding page 8 and 9 of the report regarding the statement of Miss Spaulding that Mr. Creech has said that a pocket knife had been held to his throat? Officer Hill said that Mr. Creech did not say this by that Miss Spaulding had made this remark.

He was asked if there was anyother incorrect statements in the report? He said that there were not tohis knowledge.

Defendant's Exhibit H was re-offered and admitted.

Jury was admonished and excused for lunch.

Court recessed 12:05 p.m.

Court reconvened 1:30 p.m.

Jury was returned and it was stipulated all were present.

Mr. Robinson continued cross examination of Mr. Hill. He said that he was not present during all the examinations of Mr. Creech. He said that at the questioning at 2:00 p.m. that afternoon he was not present at all times. He thought that Mr. Maxwell and Mr. Woodall were there. This session lasted about 2 hours. He was asked what type of questions were asked in the early hours at Mountain Home? He said that it was generally where he had been before his arrest, route of travel and what had occured at Boise and Lewiston. He said that Mr. Creech had said that their transportation had been hitch hiking and he had been with Miss

Approved:

J. Ray Durtschi
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct. 6, 1975 Date

(CONTINUED)

Spaulding as a companion. He said that Creech didn't remember any dates or who he got rides with. He was being questioned under the name of Tommy Turner at the beginning, but by the time they started questioning Miss Spaulding they knew that his name was Thomas Creech, he said that he does not know how this identification was learned, but by 2:00 p.m. they knew that the one suspects name was Thomas Creech. He said that they also questioned Miss Apaulding as to where they had been prior to the arrest and the method of travel and the route. He said that there was a diffent route of travel given by Miss Spaulding than of Creech. He siad that Creech said that they left Lewiston, Idaho and went out of the State through Oregon, but that Miss Spaulding said that they came through Idaho on highway #55 by Grangeville, New Meadows and McCall.

He was asked about a written statement by Miss Spaulding. He said that he did not know anything about this.

He said that the statement of Mr. Creech between 2:00 p.m. and 4:00 p.m. was questioning by Mr. Woodall, and Mr. Creech answered these questions and Mr. Woodall wrote these down. He said that Officer Woodall couldn't keep up with all the writing sometimes and these things were repeated. He said that the answeres were freely given by Mr. Creech during this period. After the questioning was finished, Mr. Woodall and Mr. Creech went over the written statement and made corrections and these corrections were initialed by Mr. Creech and statement was signed at bottom of each page by the defendant. After this time the defendant, Creech was taken back to his cell.

He said that he helped load some of the evidence then went back to Glens Ferry. He did not know if Miss Spaulding was questioned after 4:00 p.m. or not. He was not present in the room at the time that the defendant stated that "He needed help", but had been told that he had said this. He said that he was not present in the room when the first page of the statment was taken from the defendant Creech, but was there when it was signed. He said that the printing was done by Mr. Woodall.

There was no re direct by Mr. Thomas.

Witness was excused.

George M. Menzik, Glens Ferry, Idaho was called, sworn and direct examined by Mr. Remaklus. He said that he is a police officer for Sheriffs Office in Elmore County. That on Nov. 8, 1974 he was a police officer for Glens Ferry, Idaho. He was called from his home by Officer Hill to assist him in the arrest of three persons on Nov. 8, 1974. He told how he met Officer Hill and they went in pursuat of a car going down first street, that they stopped them on the highway corner, by turning on the police car lights. The car was an Oldsmobile, white top and dark bottom. He said that he got out of the car, he was holding a loaded shot gun, he was using the door as a shield as he got out of the car. He said that the driver, Mr. Rivers got out of the car and he had him place hands on head and then had him lean against the car with his hands on top of the Rivers car. Mr. Rivers was pointed out in the court room as having testified here before. He said that Carol Spaulding got out and she was placed with hands on top of River car, then the defendant Creech got out. Mr. Creech was pointed out by the witness. Record will show that the witness indicated Mr. Creech, defendant at this trial. He said that Officer Hill made a pat search of the three suspects. He said that the defendant Creech was dressed in levi jacket, gray shirt and pants. Miss Spaulding had on a long dark maxi coat with a hood. He said that the three suspects were placed in the back of the patrol car, this back seat is separated from the front seat by a screen. He and Hill got in the front seat. Officer Hill got on the radio to run some check

Approved: J. Clay Harris

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975 Date

(CONTINUED)

on suspects. Officer Hill read the Miranda warning to the three suspects. He said that he then asked Mr. Rivers if he could look in his car and was told that he could. On the front seat on the floor he found a black hand bag. He asked who it belonged to, but received no answer, except that Mr. Rivers said that it was not his. He opened the bag and on the top was a pistol. No one would say who this belonged to. Another pat search was made of the three people. He said that he handcuffed the defendant, Creech to Miss Spaulding and put them in the patrol car.

He was asked if any of the three persons responded when given their rights, and then asked if they understood them? He said that all three answered yes, and that they understood the rights given to them.

He then asked Mr. Rivers if he could drive his car into town and he said that Mr. Rivers hesitated, but then told him to go ahead, so the three suspects were taken by patrol car, by Officer Hill to the Glens Ferry Police Station, and he followed them in the Rivers car. They arrived at the police station about 2:45 a.m.. The three were taken into the station and he noticed the identification given to Officer Hill by Creech on the table and that the picture was not Creech, and this identification was for a Joe Carl Adams. He got a consent from Mr. Rivers to search his car, this consent was in writing.

Officer Freeman arrived about 3:40 a.m.. He also gave the miranda rights to the three suspects and had them sign a form that they understood these rights and had waived the right to have an attorney present.

He said that he went out to search Rivers car and found a pillow, sleeping bag, a coat(a peacoat type). He examined Exhibit #47 and said that this was the jacket, also marked Q31. He examined a levi jacket #Q30 and said that this was the jacket that Creech was wearing when arrested. He examined Exhibit #25 and said that this was the black bag taken from the Rivers car. Said that exhibits 22 and 23 looked like the gun and holster taken from the black bag. He said that he removed the clip and a shell from the chamber of this gun.
Exhibit No. 25A he said were two boxes of 22 shells taken from purse at the police station.

He said that he had a conversation with Mr. Rivers. He said that he was approached at a rest stop by Carol Spaulding and ashed him if she and her boy friend could sit in the car out of cold. He said in talking that he learned they were all headed basically the same direction, so he offered them a ride. They stopped at Glens Ferry for a cup of coffee, just he and Carol Spaulding got out of the car, for coffee.

He said that he and Officer Freeman took Carol Spaulding and Mr. Creech to Mountain Home. That the two suspects were in the back seat of the car and they did talk among themselves, but that he couldn't over hear any of the conversation. He told what happened when they reach Mountain Home. He said that when they reached Mountain Home, Mr. Creech was taken upstairs at the Sheriff office to a conference room, and Miss Spaulding and Mr. Rivers were taken downstairs. At that time the defendant, Creech was referred to as Tommy Turner, as after noticing the ID at Glens Ferry was not his, he gave them the name Tommy Turner, his name of Creech was not learned until later in the day.

He said that after helping transport the three suspects to Mountain Home, he stayed there until approximately 10:00 a.m. and returned to Glens Ferry.

He explained the appearance and actions of the defendant when he was stopped. He said that he was quiet and spoke low and answered all questions.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH, Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

At the Glens Ferry Police Station he appeared normal, a little nervous, his hair was messed up and eyes were blood shot. At both Glens Ferry and Mountain Home he sat still and answered the questions put to him. On the way to Mountain Home he and Miss Spaulding carried on a conversation, but he did not hear any of it. He said that he did not give any of the miranda warnings but witnessed both Mr Hill and Mr. Freeman when they did. At each time all three of the suspects said that they understood the warning and waived the rights, also saw them sign the waiver of rights.

Mr. Remaklus removed State's Exhibit No. 2.

State's Exhibit No. 57 (Notification of Rights Form, signed Tom Turner) marked, identified, offered and admitted.

State's Exhibit 57 read into the records by Mr. Remaklus.

Jury admonished

Court recessed 2:37 o'clock p.m.

Court reconvened 2:48 o'clock p.m.

The court said that the records here will show that Exhibit #2 from the Suppression hearing is marked in ~~this~~ this trial #57.

It was stipulated between counsel that Mr. Walker could be excused.

Mr. Maxwell had to return to Cascade, Idaho and will return into court again on Wednesday.

Jurors were returned and it was stipulated all were present.

Mr. Robinson cross examined Mr. Menzik as to the conduct of the defendant and Miss Spaulding when arrested. He stated both were normal acting, maybe a little nervouse. He said that the defendant, Creech and Miss Spaulding talked on the way to Mountain Home, but he couldn't hear what they said.

He related what happened when they arrived at Mountain Home. He said that at Mountain Home, Miss Spaulding three a temper tantrum, calling everone names, because she wanted a cigarette, and wasn't given one. He said that he returned to Glens Ferry around 10:00 a.m. and had no further contact with this matter until Oct. 3, 1975

No further questions.

It was stipulated that this witness could be excused.

Jack Freeman, Mountain Home, Idaho was called, sworn and direct examined by Mr. Remaklus. He said that he is a dective for Elmore County, and has been for past four years. He related his training and expierences. He was so employed on Nov. 8, 1974 and living in Mountain Home. He was called to Glens Ferry on Nov. 8, 1974 at approximately 3:10 a.m., to assist the Glens Ferry Police. He arrived there about 3:40 a.m. and went to the City Police Station, Officer Menzik and Officer Hill, defendant, Creech and a Carol Spaulding and Mr. Rivers were there. He pointed out the defendant, Thomas Creech as one of the parties at Glens Ferry that night. He was briefed to the situation by Mr. Hill. The three suspects were present. He was shown the drivers license given by the defendant in the name of Joe Carl Adams, which was not the defendants. He viewed the pistol, bag and other items taken from the defendants car or person. He wanted to question the suspects so he gave them their rights. He identified the exhibit #57, as the one signed that night, defendant signed as Tom Turner. He told how the rights were given, that they were signed and witnessed. He said that a right to search was also signed at that time. After that he talked to Officer Maxwell on the phone, cnecked the clothing for stains, be identified these pieces of clothing as Ex. 24 coat, ex. 25, purse, Q30 jacket, Q31 jacket, Q25 trousers.

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant | Oct. 6, 1975 Date

(CONTINUED)

State's Exhibit #58 (copy of inventory) marked and admitted.
He said that all the items mentioned on exhibit 58 were gathered by him and turned over to Jim Maxwell, except the two boxes of 22 shells.
He examined exhibit 25A, 22 and 23, he said that there are some items on exhibit 58 that have not yet been mentioned in this trial. He said that the bag of Miss Spauldings was delivered to Jim Maxwell, with all the contents in it.

After giving the suspects there rights at Glens Ferry he questioned t he defendant why he used the name Tom Turner, where he lived. He also asked Mr. Rivers as to his residence.

The three suspects were then transported to Mountain Home, he was in the car with Mr. Creech and Miss Spaulding. Mr. Rivers rode in his car with Mr. Hill. He s aid on the rife to Mountain Home that the defendant and Miss Spaulding carried on a normal conversation, but he could not hear what they said. He said that they arrived at Mountain Home approximately 5:00 a.m., the items taken from the suspects were in the trunk of the car. The three suspects were taken into the courthouse and the items in the car trunk. Mr. Creech was taken to the first floow for questioning, along with the items taken. Mr. Rivers and Miss Spaulding were taken downstairs. He talked with Mr. Creech, Mr. Hill was present at this time.

Jury excused at this time and admonished by the court.

The court said that he would like a brief summary what this statment of Mr. Creech consisted of by this witness.

Mr. Remaklus said that this statement was marked Exhibit D at the Suppression Hearing on Oct. 3, 1975. That this statement concerned where defendant had been.

The court asked Mr. Robinson if he agreed to this report.

Mr. Robinson said that this was okay, paragraphs not testified to on Oct. 3, 1975 not to be given, but fully expexts that this entire report will be admitted later.

The court said that this will be ruledoun at a later date.

Court recessed 3:55 o'clock p.m.

Court reconvened 4:10 o'clock p.m.

The court suggested that any further foundation for the statement by Mr. Freeman would be the same issues given on Oct. 3, 1975, if the court could consider the testimony given at that time on this issue.

It was so stipulated.

Mr. Remaklus continued to examine Mr. Freeman and he said that the basic questioning in Mountain Home was pertaining to where he had been that week of Nov. 8, 1974 and the rides that Mr. Creech had obtained and with who if he knew. He said that he was not present during the questioning of Mr. Creech in the afternoon at Mountain Home. He didn't see him again until they were preparing to transport Mr. Creech back to Valley County.

Mr. Robinson objected to any statement that was in the Motion to Suppress Hearing Oct. 3, 1975.

The court said that it can consider this issue in the Motion to Suppress, and the exhibit #55, this statement is confidential it was voluntarily made after the defendant was given his rights, that page 1 of ex. 55 and page 2 of ex. 56 still contain objectional material. He said that he didn't want this exhibit to go to the jury until it had been taken out, and does not want this read into the record in its entirity now.

Jury was returned and it was stipulated all was present.

Mr. Remaklus continued to examine Mr. Freeman regarding the conversation at Mountain Home and was was told him in Glens Ferry. He said that Mr. Creech said that he had been in Spokane, Wn the Monday before, and hitch hiked to

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff

vs.

THOMAS EUGENE CREECH, Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

Boise, Idaho, going by way of Oregon. He stayed in Boise, Idaho with friends.

He said that the actions of defendant at Glens Ferry were normal, he was nervous, as people are who have been arrested, eyes were blood shot, he did not talk alot, but answered any questions put to him, these actions were the same on the ride to Mountain Home, he and Miss Spaulding talked quietly in the back of the patrol car, no loud noises, it was dark so he couldn't see any facial features. When he saw the defendant at Mountain Home he appeared to be a little more nervouse but actions were the same.

Mr. Robinson cross examined Mr. Freeman. He said that he had a conversation with both the defendant, Creech and Miss Spaulding and this was early in the morning hours, also had a short talk with the defendant at Mountain Home before he went to breakfast with Sheriff Winters, Mr. Rivers, Officer Menzik and Mr. Hill, shortly after that he return to courthouse and had about an hour session with Carol Spaulding, present at this hearing was Mr. Woodall, Mr. Maxwell and Mr. Hill was present part of the time. He said that he reduced this talk and the days happenings to a report on the following morning, Nov. 9, 1974.

Mr. Robinson said that he was finished with his cross examination, but asked that this witness remain for call on defendants case.

Mr. Remaklus said that his next witness would take considerable time and asked the court if it wanted to recess at this time.

The court said that they would proceed now.

Wesley Woodall, Post Falls, Idaho, called, sworn and direct examined by Mr. Remaklus. He said that he is an Investigator for State of Idaho, Dept of Law Enforcement and has been for two years. He gave his expierence and education in this work. He said that his duty for the State was to enforce the liquor laws and to aid and assist any crimin[illegible] investigation when his help was requested. On Nov. 5, 1974 he was employed in the area arcound Cascade, Idaho. He was called, to help Sheriff Lenskey in a homicide investigation. He went to highway #55, 1 mile south of Donnelly, Idaho, he arrived there about 8:30 p.m., at the scene was Mr. Maxwell, Sheriff Lenskey, and the coroner and Mr. Remaklus. He said that there was an area roped off on the west side of the highway, the car lights of the Sheriff's car was on pointed at a barrow pit. He looked in this barrow pit and there was a sleeping bag and a blanket, under each of these were bodies of two male victims

Plaintiff's Exhibit 1A (Photo) marked and identified.
Plaintiff's Exhibit 1B (Photo) marked and identified.
Plaiitiff's Exhibit 1C (Photo) marked and identified.
Plaintiff's Exhibit 1G (Photo) marked and identified.
Plaintiff's Exhibit 1J (Photo) marked and identified.

After his arrival at the scene he inspected the bodies and gathered items that he believed to be evidence, he put these items in plastic bags and marked these. He helped to make a sketch of the area.

Exhibit 3 (sketched area at scene of crime) marked and identified.
Exhibit 3A (enlarged sketch of ex. 3) marked and identified.

Mr. Woodall said that the weather that night was cold and overcast. He left the area between 11:00 o'clock and midnight.

Items gathered at the scene of the accident was piece of plastic, large piece of asphalt. He went back to the scene of accident the next morning, the area was the same as it had been guarded all night, he took more photos and picked up other articles.

Plaintiff's Exhibit 1M (photo) marked and identified.
Plaintiff's Exhibit 1L (photo) marked and identified.

Deputy Maxwell went with him in the morning, they spent about one hour there

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

then went on to Donnelly, Idaho to interview some people there. The next two days were spent interviewing people in McCall, New Meadows and Donnelly. Exhibit 28 and Exhibit 28A (photos of car) were identified. He said that he also went to an area south of Cascade where he recovered some papers from a river bank, this was close to mile post 94. On Nov. 8, 1974 he went to Mountain Home.

Jury admonished.

The court explained that there would be a two day recess as the next two days, Sunday and Monday (which is a holiday) is non judicial days and the courts are not allowed to operate.

Court recessed 4:58 p.m.

SEVENTH DAY

Oct. 14, 1975
One Hundred Ninety Seventh Day
9:07 o'clock a.m.
Present as before

The court said that Miss Spaulding had claimed immunity and requested that the court appoint an attorney to represent her, and the court has appointed Mr. Boyd. Mr. Boyd is present in court at this time with Miss Spaulding. This requires that the State state what testimony that they plan to ask of Miss Spauldin g so Mr. Boyd can be advised.

Mr. Remaklus said that he had provided Mr. Boyd with a taped interview at the State Penitentiary at Boise , by Jim Maxwell, as well as to a hearing he and Mr. Thomas had with Miss Spaulding at the Nevada State Penitentiary, also to the transcript of the plea of Guilty by Miss Spaulding, to the charge that she is in prison for at this time. This is the area that will be questioned.

The court asked the amount of testimony that the state is going to take?

Mr. Remaklus siad that he will go over this as soon as he gets the transcript.

Mr. Boyd said that he has received the transcript. It is the position of Miss Spaulding that she is entitled to the priviledge of self incrimination. If this transcript is any indication they take the position that this is privledged, and he is prepared to make a showing as to this.

The court said that it meant to limit them to the scope of the testimony, it is the position of the witness to make a showing and so doing that they can't incriminate themself, but they must make a showing.

Mr. Boyd said that he intended to make a showing through oral argumsnt to the court. He understands that the court has been furnished this information thru a pre trial memorandum

He alleges that the witness traveled with the defendant to Glens Ferry. That they obtained gas without paying for it, regarding the stolen battery charger, the series of events at Glens Ferry, and Lewiston, of a robbery of a 7-11 store, does not want to testify as there is enough facts that the State might bring charges for either a misdemeanor or a felony, if it is possible Carol Spaulding claims the privledge to any series of events that can link her to the crimes of the defendant, Thomas Creech. Carol Spaulding has entered a plea of Guilty to the crime of Accessory. but does not want to put herself in the position of double jeppardy, they can't take the chance that the Idaho Supreme Court is not the controlling law.

The court said that the question on the last point referring that she may be an accessory after the fact, not the principal, she may still be prosecuted for this.

Mr. Boyd said that the court is entitled to take this in to account.

Approved:

J. Roger Bistline
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct. 6, 1975 Date

(CONTINUED)

Mr. Robinson stated that he intends to show various crimes against United States.

The court said that assuming this situation developes he wants to hear Mr. Boyds position if Mr. Robinson intends to call Miss Spaulding for a defense witness.

Mr. Boyd said that they will claim the privledge against self-incrimination.

Mr. Robinson said that he did contact Mr. Boyd and told him that he would make his entire file open for him to look at, they made a tentative appointment but Mr. Boyd has not made himself available as yet. He does intend to call Carol Spaulding as a defense witness.

Mr. Thomas made statement to the court he said that they plan to limit their direct examination to the two murders near Donnelly, Idaho and the arrest at Glens Ferry. The witness is not limited to testimony she has already testified to, so not entitled to the privledge and cannot incriminate herself, she has already testified to the information sought.

The court said that the privledge tends not only direct information for incrimination but information that might lead to the incrimination of witness. If she is placed directly at the crime this could be incriminating, couldn't it?

Mr. Thomas made a statment to the court the court knows what the previous testimony was so can fortell what the testimony here will be. She can't be compelled to reveal testimony. Mr. Thomas said that the position here might be that once she has given this testimony and layed out the facts, these facts having been stated under oath that she was not involved in these crimes that this would have taken care of this.

The court said that testimony given under oath does not constitute a waiver.

Mr. Boyd asked if it was the contention of the State that there was some sort of waiver in former testimony. He said that he has not seen the transcript so is not prepared to argue this at this hearing. It is his understanding that former testimony is not a waiver.

The court said that the Guilty plea to Accessory considered a waiver there. He will sustain the privledge unless the State is prepared to grant immunity.

Mr. Thomas said that he would like to order Miss Spaulding to testify under the grant of immunity

Mr. Boyd asked if the State was proceeding under 1114 or 1115?

The court said that if Miss Spaulding was in agreement they would proceed under 1114.

Mr. Boyd said that there was no agreement with the State on behalf of his client so would be proceeding under 1115.

Mr. Thomas agreed that this was correct.

The court said that he would like to get the waiver question resolved before proceeding.

Mr. Boyd said that he would like to see the transcript first.

The court asked when this would be?

Mr. Thomas said that withing the next couple days.

Mr. Boyd said that he can be prepared as far as briefing today.

The court said that he didn't need a transcript for briefing so can come in after evening recess tonight.

Mr. Boyd agreed to this.

The court stated that if it is determined as a matter of law this has been waiver, this would conclude the matter, if not the State could make an agreement for immunity, so the court sees no reason why this should not be granted, and the court would order her to testify as far as

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant | Oct. 6, 1975 Date

(CONTINUED)

the court can tell, Miss Spaulding will be required to testify.
Jury returned and it was stipulated all present.

Mr. Remaklus continued to direct examine Mr. Woodall. He said that he went to Mountain Home on Nov. 8, 1974 with Jim Maxwell, arriving about 8:30 a.m., they stopped for breakfast then went to the Sheriffs office in Elmore County, present was Mr. Maxwell, Mr. Freeman, Mr. Hill and Sheriff Winters. He was taken upstairs in the Sheriffs office to the County Commissioners room where the items taken from the three suspects were, he examined these things. He also interviewed Carol Spaulding in this room. He was examined on Exhibits 22 and 23 the gun and holster, ex. 24 coat, ex. 25, black bag, ex. 25A two boxes of shells, Ex. 41 10 shells, Q30 levi jacket of Mr. Creech, Q 31 a blue coat, these items were identified by Mr. Woodall.

The record will show that Q30, Q31, Q25 are all part of trial ex. 47, along with the following items.
Q28 gray shirt, identified.
Q25 gray trousers, identified
Q32 and Q33 socks, identified
Q26 and Q27 2 shoes, identified
Q29 Belt, identified.
He said that after he checked the physical evidence he interviewed Miss Spaulding, present at this interview was himself, Carol Spaulding, Mr. Hill part of the time and Mr. Freeman part of the time and Mr. Maxwell. During this questioning Miss Spaulding related direction of travel and places they stayed and incidents that happened. He said that this interview was about 10:00 a.m. on Nov. 8, 1974, he said that he had no other conversation up to that time or the rest of the day. He said that Miss Spaulding told him she came from Lewiston and they had gotten a ride with two men, going through Grangeville, down the highway to McCall, she was with the defendant, She said that Tom (deft) shot those guys, she ran from the car and he told her to come back or he would shoot her too. She identified the car as one she and Tom had gotten a ride in. She referred to the place where Tom shot the 2 guys and put the bodies in a ditch, they got in the car and proceeded towards Boise, the car ran out of gas. They slept in the car for awhile and then tried to push the car in the river. They went on to Boise for two days after that. She said that they had stayed with some man in Boise, when they left they got a ride.

After the interview Miss Spaulding was taken down stairs to her cell. He said that he then went to lunch and awaited the arraignment proceedings for Miss Spaulding, he appeared with Miss Spaulding.

At about 1:30 p.m.he went to the police station in Mountain Home, he was with Mr. Maxwell, Mr. Hill.

Jury admonished
Court recessed 10:05 a.m.
Court reconvened 10:15 a.m.

Mr. Remaklus continued to examine Mr. Woodall. He said that he was at the cell where the defendant was and took the defendant to the office in the police station, this was about 2:00 p.m., Mr. Maxwell, Mr. Hill, the defendant and himself was present. The first thing that he did was give the miranda warning to the defendant. Mr. Woodall read the miranda warning to the jury. He asked the defendant if he understood his rights and if he wanted to talk to them. The defendant said that he understood his rights and that he was willing to talk to them.
Plaintiff's Exhibit #55 (Notification of rights, copy of statement time) identified, offered and admitted.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

Mr. Remaklus read Exhibit #55 into the records.

After the defendant signed the waiver of rights he took the form and filled out the top of the voluntary statment (State's Exhibit #56), and started to interview, he said that at the beginning of the interview that Tom Creech said "I did it, I did it" this was a spontaneous statement. He described the appearance of the defendant when the statement taken. At the beginning he started out asking questions, but after a time the defendant was talking so fast that he had to get him to slow down so he could write it down. He said that during this statement the defendant looked tired and was nervous, had blood shot eyes. After the statement was finished they went back to the first page made necessary corrections and had the defendant put his initals on each correction and each page was signed at the bottom by the defendant, this proceedure was carried out through out the entire seven pages of the statement. After this was finished the statement was witnessed by himself and Mr. Hill. The statement was hand printed by him, but the initials were put on by Mr. Creech.

Plaintiff's Exhibit 56 (statement) marked, identified, offered.

Mr. Robinson objected, he presented argument. This objection was basically covered in the Suppression Hearing.

The court said the exhibit would be admitted except for the objections ruled on of Mr. Robinsons, as to page 5 a portion of page 4.

Plaintiff's Exhibit #56 admitted except for deletions ordered by court. The court said that the records will show that the court just added brackets in red pen and written word "end" where statement is to stop.

Mr. Remaklus continued to question Mr. Woodall? He said in answers to questions that the printed matter at the top of pages were read to the defendant before the statement. This printed matter was read into the record along with the portion of the statement admitted by the court.

Mr. Woodall stated that after taking the statement the defendant was returned to the cell, a couple of hours later was taken before the Magistrate Court for arraignment proceedings. After that the defendant and Carol Spaulding was transported back to Valley County, by Mr. Mason, Mr. Maxwell, and himself.

He said that when the defendant appeared before the Magistrate he was read his rights again.

State's Exhibit No. 59 (copy Miranda Warning given deft.) marked, identified offered and thereafter was witdrawn and Mr. Remaklus stated that this had not been submitted to Mr. Robinson before the trial.

Mr. Robinson objected.

Mr. Remaklus withdrew his offer to withdraw.

State's Exhibit #59 Admitted.

Exhibit No. 59 read into the records.
He said that the defendant, Miss Spaulding and all the items taken were transported back in the county car.

Jury admonished.

Court recessed 11:07 a.m.

Court reconvened 11:20 p.m.

Jury returned it was stipulated all present.

Mr. Remaklus continued questioning Mr. Woodall
State's Exhibits #10, 11, 12, 13, offered and admitted.

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975 (Date)

(CONTINUED)

Plaintiffs Exhibits #22 and #23 was offered and admitted.
Plaintiff's Exhibit #24 (Q17) was offered and admitted.
Plaintiffs Exhibit #25 was offered and admitted.
Plaintiff's Exhibit #25A was offered and admitted.
Plaintiffs Exhibit #41 was offered and admitted.
Plaintiffs Exhibit #42, #43, #44 and #45 was offered and refused.
Plaintiffs Exhibit # 46 (Q5) offered and admitted
Plaintiffs Exhibit #47 (Q25, Q26, Q27, Q28, Q29, Q30, Q31, Q32, and Q33) identified.
Plaintiffs Exhibit #48 (Q6) offered and admitted.
Plaintiffs Exhibit #60 (copy of F.B.I. report 12/3/74) marked, identified, offered and admitted.

It was stipulated between counsel for the plaintiff and counsel for the defendant that #Q17 thru Q49 may be considered part of Plaintiff's Exhibit #47.

The court said that it would be so stipulated.

Mr. Remaklus continued to question Mr. Woodall. He asked him to check Q17 thru Q35 and tell which items he had transported from Mountain Home to Cascade. Mr. Woodall said that he had transported all of them. He said that he had transported the defendant back from Mountain Home but had no further contact with him or Miss Spaulding until the trial, except a brief appearance in court at Ada County, Idaho.

Mr. Robinson cross examined Mr. Woodall regarding his activities on Nov. 8, 1974? He said that he arrived in Mountain Home about 8:30 a.m. and met with Mr. Maxwell, Mr. Freeman, Mr. Hill and Paul Rivers at the ElRancho Cafe for breakfast, these person were all law officers except Mr. Rivers. There he was given information about this case against defendant and Miss Spaulding. He first saw Miss Spaulding at the Elmore County Courthouse, where he went to look at the items collected as exhibits. He described the behaviour of Miss Spaulding at that time, as loud nasty talking and angry. He began questioning Miss Spaulding about 10:00 a.m., present at that time was Miss Spaulding, Mr. Maxwell, Mr. Hill and himself. This session lasted approximately one hour. He said that Carol Spauldings attitude during this session was belligerent, foul talking, very sullen attitude, making derogatory statements to police officers. He said that he would not consider that she was under the influence of any drugs at that time, her speech was clear and she walked without any trouble, she sat in her chair with her feet up and her head down. She was asked if she understood the questions and she would nod her head Yes. After about 5 or 10 minutes she sat up and talked to them, she told them where she lived, about her mother, that she had ran away from home and where she met the defendant, Mr. Creech. That she met Mr. Creec at a carnival in Fresno, California. She said that she had been with the defendant about 2 months. She kept asking for a cigarette, when she was refused she would get sullen. She never asked for any drugs or medical aid. She was questioned if she was on drugs and she answered that she was not.

He was asked what method of Questioning had been used before Carol Spaulding came forth with the information about the death of Bradfor and Arnold?

He said that he first made sure that Miss Spaulding understood hier rights, she was told that she could have an attorney present, and when told this she said Tom shot those guys. He said that he was not present during the entire questioning of Miss Spaulding.

He was asked if the statement of Miss Spaulding was ever reduced to writing? He said that he had not did so. That Mr. Hill had included it as part of his report.

Approved:

J. Ray Durtschi
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

He was asked if Miss Spaulding had been shown photographs and how she reacted if she had been. He said that she hung her head and cried some, did identify some of them.

The jury was admonished.

Court recessed 12:02 p.m..

Court reconvened 1:30 p.m..

Jury was returned and it was stipulated that all were present.

Mr. Robinson continued to cross examine Mr. Woodall as to his qualifications to investigate matters like this. He said that he has served many communities, has been on the police force and also was chief of police, he is now a detective for the Dept. of Law Enforcement for the State of Idaho., has interrigated many persons in investigations. He was asked how many of these people tell untrue stories at the time of questioning? Mr. Woodall said that some have told untrue stories, but alot of them return and tell that what they had told before was an untruth. He was asked what his opinion was regarding the statement given by Miss Spaulding? He said that the first 5 minutes of questioning of Miss Spaulding her attitude was belligerent, talking vulgar, sullen attitude, but did respond to the questioning.

He said that he can't recall any direct line of questioning to get the route of travel of Spaulding and Creeh, just asked questions, He said that he knows nothing about a written report of the statement of Carol Spaulding, other that what was in Mr. Hills report. The questioning was not taped. She said very little during the first five minutes of questioning, but then opened up and really started to talk and tell what took place. When she started to tell about the deaths of the two men she would talk then pause. He said that she and Mr. Creech had been in Lewiston with her mother, then they went toward Boise, Idaho, getting a ride with two men in a car, while with the 2 men they stopped to drink along the way. When they left Boise they got a ride with these two men, Arnold and Bradford, they drank while enroute, and one of them made advances twards her and she told Tom Creech about this. When they stopped the car for her to go to the restroom, Tom shot those two men, she started to run, but Tom Creech told her to come back or he would shoot her too, they put the men in the ditch and covered them up. They then got in the car and drove on, they stopped awhile and slept in the car for a while. They went on and the car ran out of gas, they then tried to push the car over the bank into the river, but couldn't.

Mr. Robinson asked if Miss Spaulding had mentioned the fact that one of the men had held a knife at Mr. Creech's throat?

Mr. Woodall said that she had mentioned that Wayne had knife at Toms throat.

Mr. Robinson asked if he had felt at the time that Miss Spaulding was questioned if the statement had been rehearsed?

Mr. Remaklus objected, no proper foundation.

Overruled.

Mr. Woodal said that he does not remember, but felt at the time that it might have been a made up story, but not sure that he made any statement to this effect.

He was asked if he had related to Mr. Creech, what Carol Spaulding had related in her statement? Mr. Woodall said that he had not.

He said that the voluntary statement of Mr. Creech began about 2:00 p..m.. He was asked if Mr. Creech had been questioned before the voluntary statment began? Mr. Woodall said that there were no questions before the statement was given.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

He said that the first thing before any statment was taken, the defendant was given his rights. Up until this time the defendant had given no information of the circumstances. There had been no previous session with Mr. Creech, the only information he had on this matter was gathered from other officers.. He said that the officers learned the defendants identity as Thomas Eugene Creech, before that time they thought that his name was Tom Turner. The voluntary statement was taken under the name of Creech. He said that after the questioning had started the defendant, Creech broke in in a crying voice saying "I did it, I did it, I did it." He did not seem to be under the influence of any drug. His appearance at the time, was hair messed up, blood shot eyes, and his hands shook, and unkempt clothing, but he felt this was only natural under the situation and the fact that the defendant had not had any sleep for about 24 hours.

Mr. Robinson asked if the defendant had been questioned regarding any medication or drugs that he might have taken? Mr. Woodall said that he had not.

Mr. Woodall said that after the questioning started the informat- came pouring out and they had to stop him in order that they could write it down, this resulted in leaving blank spaces in the statement as they couldn't write it down fast enough. It was not necessary to rpompt the defendant at all. The voluntary statement was completed about 4:00 p.m.. This voluntary statement was gone over with the defendant after it was completed and the defendant initaled and signed each page of this statement.

Mr. Robinson asked if the story told by Mr. Creech was the same as that told by Carol Spaulding?

Mr. Woodall said that it was not the same, not exactly.

He was asked why the defendant gave the voluntary statement, or was he ever asked? Mr. Woodall said that he did not ask, he had no reason to. He said that he was in the area collecting evidence on the double murder, when the defendant gave the voluntary statement. This did not complete his investigation, he said that he interviewed many other persons taking their statements.

Mr. Robinson asked if the investigation ever continued as to determining if they had the right parties in this crime?

Mr. Woodall said that it did, he said that lab tests were made, people were interviewed, such as the young man at a service station, in Grangeville.

Mr. Robinson asked if during the investigation if he ever had information given him that there were more than 4 people in the car, in the area of New Meadows?

Mr. Woodall said that at one time that he had information about this but that it proved false, it was in connection with another car and did not concern the same people.

He was asked about the number of times that Mr. Creech said that he shot the 2 men? Mr. Woodall said that at one time he said 2 times and one time he said 3 times. He said that Mr. Creech never did say that one of the men held a knife to his throat, this statment was made by Carol Spaulding.

Mr. Robinson asked if he had questioned the defendant at any other times that the voluntary statement?

Mr. Woodall said that he had questioned him 3 or 4 times while he was in jail.

Mr.. Woodall was asked if he ever saw the defendant spaced out on drugs? He said that he had not.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975 — Date

(CONTINUED)

Mr. Remaklus questioned Mr. Woodall on re-direct. He asked him about the voluntary statement given by Mr. Creech. He said that the dash markes on the pages were when he was talking to fast to have all the information written down. Mr. Remaklus asked if there had ever been any reason to believe that the crime had been committed by someone else? Mr. Woodall said there had not.

Mr. Woodall said that Mr. Creech had told in the statement that Tom Arnold had been driving the car, Mr.. Creech was on the passenger side, Carol Spaulding was in the middle of the front seat and Mr. Bradford was in back seat.

Mr. Remaklus asked if Mr. Creech ever said where Carol Spaulding was sitting when he shot the two men?

Mr. Woodall said that he understood that Miss Spaulding was outside the car at the time.

There was no further questions at this time. Mr. Woodall is to remain in court for further questioning.

Witness excused.

William Schreiber, Lewiston, Idaho was called, sworn and direct examined by Mr. Remaklus. He stated that he is 68 years of age, and has lived lived in Lewiston area for 53 years, and has lived at 2403 eigth street for the past 15 years. Mrs Spaulding resides at this same address with her two children and he rents from Mrs. Spaulding a room. He was living at this address on Nov. 3, 1974, and was in the house during that time. Carol Spaulding and the defendant, Thomas Creech visited at that time (defendant was pointed out by witness). They were around Lewiston for 4 or 5 days, they stayed at this house for the first 2 or 3 days they were in town, Mrs. Spaulding and Cathy Spaulding was there too.

He said that he was at home on Nov. 3, 1974, but didn't remain there all the time, he usually went down town during the day. When he left the house Miss Carol Spaulding and Mr. Creech were there, but had left the house by the time he returned. He identified Plaintiffs Exhibit No. 22 as the gun that he owned, he had it for 30 years, traded a 30-30 for it and got the pistol and holster. He kept the gun and holster between his mattress and spring on his bed, in his room. He also kept a pellet gun under his mattress too, at that time he had $640.00 under his mattress just about 16 inches from the gun, but the money was under a sheet. He Noticed the gun was missing, but did not report it to the insurance company until the next moring and to the police. He did not give anyone permission to take the gun and holster. He had not seen the gun until in the court room.

Mr. Robinson cross examined Mr. Schreiber. He asked who else had been visiting in the Spaulding home, when the defendant and Carol Spaulding was there? He said that Cathy Spaulding and Mrs. Spaulding was there and some person called Dan, he didn't remember his last name, but he is now a missionary in the Morman church. He described Dan. He was asked if Dan had ever threatened him? He answered that he had not. He stated that Dan lived in Clarkston, Wn. He was asked if any other persons were in the house at that time? He said that several person had been in and out at that time while Carol Spaulding was there. He was asked if he had ever seen Mr. Creech before that time? He said that he had not. He was asked how the defendant acted while at the Spaulding house? He said that he didn't pay much attention, but he was quite whenever he saw him. The day that the gun was gone, the only persons that he had seen in the house was the defendant, Carol Spaulding, Mrs. Spaulding and Cathy Spaulding. He was asked if he was familiar with the smell of [illegible] or not [illegible]

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975

(CONTINUED)

that he was and that he had encountered that odor in the house, but was not there all the time.

There were no further questions for the defense.
Jury was admonished
Court recessed 2:45 p.m.
Court reconvened 2:55 p.m.
Jury was returned and it was stipulated that all were present.

Eldon C. Palmer, Boise, Idaho, was called, sworn and direct examined by Mr. Thomas. He said that he is the Sheriff of Ada County, Boise, Idaho and has been for three years. He gave his expierence and educational background. His first contact with the defendant was on Nov. 19, 1974 (defendant was pointed out by Mr. Palmer), when he was moved to Ada County for security reasons. There had been problems in the County Jail and he had been called, he observed the defendant on the floor, present was 2 other officers, the defendant was incoherent and not responding. He said that he talked to the defendant and told him to sit up and talk to him, he advised the defendant that he felt that he was faking and if he didn't come around he would put him in solitary confinement. The second time he was called by defendant, because he wanted to talk to him. He and the States Investigator went upstairs and sat down and talked to defendant. He continued meeting and taking time to talk to defendant many times while he was in his jail. He was then moved back to Cascade, Ida, back to Boise and then to Wallace, Idaho. These meetings were usually requests of the defendant, both oral and written requests. The miranda warning was given to the defendant many times when he was in the presence of the defendant.

The court asked Mr. Palmer about the substance of the conversations with defendant. He said that he felt that this should be discussed outside the presence of the jury.

Jury excused.

The court asked that a foundation be laid as to the voluntariness of the conversation, as this is his main concern.

Mr. Thomas questioned Mr. Palmer. He said that the defendant had been advised of his rights, he related just what the defendant was advised of. The defendant told him that he knew his rights, so he slacked off giving rights to defendant. On April 8, 1975 the defendant was given Miranda warning, and defendant again advised him that he knew his rights. He said that this was in a friendly manner when defendant told him he knew his rights.

On April 8, 1975, he conducted an interview, which was taped, present was Mr. Dykes, the defendant and himself. This was conducted in the detective annex, and Mr. Dykes is a detective from California. He said that the tape was reduced to written form, and this tape has been conformed to the Order of the Court and material excluded starts on page 47.

The court said that he was just concerned as to the voluntariness of the statement. He asked if an attorney had been appointed at that time, if not was he advised of his right to an attorney and to have one present during the conversation? Mr. Palmer said that he had been.

The court said that he did not have to hear the tape but would read the material. The court said that he has what has been marked as exhibit #49. He asked if Mr. Thomas wanted the entire document made a part of the record.

Mr. Thomas said that he did.

Mr. Robinson refered to top of page 47, 10 lines from the top of page. Mr. Robinson objected as to it being voluntary, when he had a attorney.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

The court said that he is only interested at this time to know if he read the rights to defendant, he would take cognizance of what the Sheriff and defendant said in the transcript.

Mr. Palmer said the defendant was read his rights and that this is an accurate transcription of the tape.

The court said that exhibit #49 has been admitted for limited purposes. That in reading page 48 of the statement, the defendant referred to the rights that had been read to him previously, he wondered if counsel include this in foundation, referring to page 1 (Dykes) page42 (Palmer) and any place where rights referred to.

This was agreed to by counsels.

Mr.. Palmer said that the defendant was not satisfied with his attorney and wanted to fire him, and agreed to talk to him without attorney.

Mr. Thomas said that on page 53 was another reference to rights.

Plaintiffs Exhibit No.. 61 (letter 6/9/75) marked for purpose of this hearing, not to go to jury, identified and offered.

Plaintiffs Exhibit No. 62 (envelope) marked, identified and offered.
Plaintiffs Exhibits No. 61 and 62 admitted for this hearing only.

Mr. Palmer said in regards to the tape, there was talk about the murders and the charge filed against defendant, defendant appeared to know what he was saying, was calm and collected in good health and in control of all his faculties, he was not hesitant, his speech was clear and he understood well. He was asked if he wanted to talk to Mr. Dykes and the defendant agreed to.

Mr. Robinson questioned Mr. Palmer? He asked if he wasn't aware that the defendant was represented by attorney, Ward Hower? Mr. Palmer answered that he was. He was asked if he had inquired of the defendant many times regarding out of state involvements? Mr. Palmer answered that he had, and he had called defendants counsel many times telling him that the defendant wanted to talk. Mr. Palmer was asked if he advised counsel what the questions were about? He said that he had and he was told to go ahead and talk to defendant.

Mr. Robinson asked Mr. Palmer how many trips were taken out of the State of Idaho? Mr. Palmer said numerous trips were taken. He was asked about a plane crash near Barstow, California. He said that the transcript was prior to the plane crash, prior to the date of the transcript he had been with the defendant in Wyoming and Montana.

Mr. Robinson questioned him about trip to New Mexico. He said that he can't remember what Mr. Creech talked to him about on that trip.

Mr. Robinson said that he had been advised that the defendant, Mr. Creech had been freaked out or spaced out many occassions. Mr. Palmer said that he was not so spaced out that he was giving any trouble or was a problem.

He was asked if he knew if defendant was on drugs, such as LSD. Mr.. Palmer said that the defendant never was on LSD he may have gotten some marijuana but no knowledge of any other drugs.

Mr. Palmer was asked how many times, if he knew, that Mr. Ward Hower visited the defendant? Mr. Palmer said that there were visits, he is not sure how many. He said there were times that Mr. Creech wanted to talk to Mr. Hower but Mr. Hower had not responded. Mr. Palmer was asked if defendant had lied to Mr. Hower and himself and he answered that the defendant had, that it was difficult to tell when the defendant was telling the truth or lying.

Approved:

J. [illegible] Porter

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant | October 6, 1975 Date

(CONTINUED)

Mr. Robinson asked if Mr. Palmer was of the opinion that the defendant was uphappy with his attorney at the time of the transcript? Mr. Palmer said that he was aware of this, but it was not referred to in transcript, but he knew that the defendant wanted to change attorneys.

Mr. Robinson questioned him about the transcript. He said that there is references to out of state mtters in transcript, but that he can't remember what all is in the transcript. He said that many representations made by defendant are untrue, he has tried to verify if truth, but some statements untruth. He was asked if he felt that pages 47, 48 and 49 of statment could be untrue? Mr. Palmer ansered that they could be.

Mr. Robinson said that on page 47, 4 lines from the bottom, if these questions referred to Bradford and Arnold? Mr. Palmer answered it did.

Mr. Robinson asked Mr. Palmer if the responses of Mr. Creech was a "I don't care attitude"? Mr. Palmer said that he felt that Mr. Creech did care, this was displayed in many areas, wasn't just responding for rewards such as trips out of state.

The court questioned Mr. Palmer regarding attorney of Mr..Creech? He said that Mr. Creech wanted to see his attorney to fire him, that he had at a prior time fired him.

Mr. Thomas questioned Mr. Palmer asked if he had initiated the idea that defendant should fire attorney? Mr. Palmer said that he had not.

Mr. Robinson asked Mr. Palmer how long before Apr. 28, 1975 had he been aware of the conflict between defendant and his attorney? Mr. Palmer said for some time. He asked Mr. Palmer if during this time he had made any effort to contact Mr. Hower regarding this. He said that he had talked to Mr. Hower, this was after the written statement of defendant. Mr. Robinson asked who the defendant was getting legal advise from at that time? Mr. Palmer said that he had no idea, maybe other inmates.

The court asked if there was any further argument on voluntariness?

Mr.. Robinson objected as to circumstances.

Mr. Thomas presented argument to the court.

Mr. Robinson presented argument to the court.

The court objected as to accuracy goes weight but as to voluntariness of the statement this will be overruled. There is no showing that there were any threats or coercion. That the letter of defendant of June 1975 and all statement given were free and voluntary and of his own free will, under no threat or pressure. That defendant was defendant was fully advised of his rights and his right to have an attorney present at all times, but it is not clear if defendant waived the right or not, that the statement of defendant of "I don't care" not adequate, so would sustain that objection. Must be a clear cut advise when starting to question regarding Idaho cases and a clear cut waiver. The court advised counsel that it could be used for impeachment purpose if defendant takes the stand and gives conflicing statements.

Mr. Thomas said that the State objects to the right to exclusive evidence as no timely Motion was made at the Motion to Surpress Hearing.

The court said that he does not feel Motion to Suprress needed here as adequate foundation not laid.

Mr. Thomas said that he would proceed with Mr. Mason as to the confession and statement in the plane crash.

Jury was returned and admonished and recessed for the evening.

Alvin R. Mason was called, sworn & direct examined by Mr. Thomas. He said that he is with the Dept. of Law Enforcement in Boise, Ida.

Approved:

J. Ray Durtschi
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

He said that he is with the Chief Bureau of Narcotics. That he has been involved with the investigation of Thomas Eugene Creech, such as taking statements and on May 4, 1975 he was traveling in a plane with defendant and others, the plane crashed. He explained how the crash had occurred that one of the passengers aboard had trouble breathing, so an attempt was made to help him, this was to no avail, so the piolot attempted to set the plane down to a lower altitude, Mr. Taylor still failed to respond so decided to land, and they went down through the clouds and broke into a valley which had snow covered ground, attempted to set down on a roadband was caught in a cross wind, and plane crashed. The defendant was upset by the crash and became very nervous and excited, After he settled down they had a conversation for 15 to 20 minutes.

Court recessed 4:25 p.m.

Court reconvened 4:35 p.m.

Mr. Thomas continued to question Mr. Mason. He asked if he had any conversations after that time? He said he did. He was asked if he had asked any questions about Bradford or Arnold? He said he had not. He said that the defendant was sitting on his right and he asked if he was hurt or cold but that was the only questions. He said that defendant then started to talk to him regarding the killing of Arnold and Bradford. "He said this really made Christians out of me, I had no reason to kill those guys the jury ought to find me Guilty".

He was asked the nature of the discussion, and did he ask any questions regarding the murder? He said he had not.

He said that he was just happy to be alive and so was Mr.. Creech. He said that the behaviour of the defendant was much as it was here today. His manner of speech was normal, just a normal vountary statement. He said that he assumed that he was talking about the Idaho murders, but the defendant didn't use any names.

Mr. Robinson cross examined Mr. Mason? He asked who was present when statement made? He said that at that time Sgt. Tom Taylor, defendant and himself.

He was asked where they had been? He stated they had gone to Barstow, Calif, looking for several bodies. This accident took place on the flight home. No bodies were found in Calif. He said that this was not his first trip out of State with the defendant, had gone to New Mexico in March of 1975.

Mr. Robinson examined him about the plane crash and how it happened. He said that when the plane landed it was going approximately 120 miles per hr., it got blown off the road and tipped on his nose, the right wing in a pond then the plane settled down. They kicked the door open on the pilot side, they took Sgt. Taylor outside on the road and saw that he was alive, went back to get Creech, then saw to the Sheriff and the pilot. Sheriff Palmer took the cuffs off Creech when they were all outside, they assisted Taylor. The weather was windy with snow and rain. They were outside the place for 5 -6 minutes, he took off his jacket and put it on the defendant, they then got back in the plane, the Sheriff and pilot stayed outside. Several minutes later the Sheriff went looking for help. He said that his gun had fallen out of his pocket and the defendant found it, picked it up and handed the gun to Taylor. The conversation of the defendant referred tohere took place before he handed the gun to Sgt. Taylor. He said that the plane crash was in Nevada and the defendant did express some fear of being Nevada. They were ther about 4 hours.

Mr. Robinson objected to this statement of defendant, he said that it was so vague and evasive, that it couldn't be tied to Arnold and Bradford deaths. There has been no foundation laid by State to present this to the jury.

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975 Date

(CONTINUED)

Mr. Thomas said that all this goes to the weight not admissability.

The court said that the record will reflect that a jury trial in this case had been set on the date this occurred, this trial was to take place at Cascade, Idaho.

Mr. Robinson made statement

Mr. Thomas said that there was no evidence that there was any bodies found in Barstow, Ca.

Mr. Robinson said that a total of 12 bodies had been recovered in other jurisdictions from information given by defendant, these bodies were found in several other states.

The court said that this does not go to the voluntariness of the statement. This was a voluntary statement and required no rights. He would restrict the State from presenting this evidence as to why the trip was taken but not to the date it occurred.

Mr. Remaklus ask if this would stop them from referring to the waather if the state isn't referred to.

The court answered No.

Mr. Robinson stated that the defense is prepared to present testimony, that the defendant does not remember ever making the statement.

The court said that there was no other jury trial pending so it is reasonable to related this statement to the Idaho case. This goes to the weight no admissability.

At this time Mr. Boyd came before the court regarding Carol Spaulding he said that he was not able to find any authority for theory that any testimony at a prior hearing would not constitute a waiver as to statement in this hearing.

Mr. Thomas said that he is positive that since Miss Spaulding did testify under oath as to the same factsinvolved here, that she did waive her ight and has no claim here to self incrimination, unless it is to purge herself.

Mr. Boyd said that he is in any testimony given before had to be taken in connection with this proceedings and there was no way of knowing what evidence would be asked in this hearing. There was no cross examination there and this is an entirely different situation.

Mr. Thomas said that he had no further argument, but did not think the danger of incrimination was very strong.

The court stated feels that there might be some danger, the witness is entitled to privledge, unless it had been waived, he will hold no waiver of privledge, so to use testimony of Miss Spaulding would avail immunity statute, if proper request for grant of immunity is proposed.

Mr. Boyd said that if immunity is granted, then Miss Spaulding will testify.

The court asked if there was any reason why immunity should not be granted.

Mr. Boyd stated this was for testimony within the State of Idaho, that if Mr. Robinson called witness on defense case for out of state, then Miss Spaulding would claim the privledge.

The court said that on presentation the request for immunity will be signed and witness will be required to testify.

Court recessed 5:15 p.m.

EIGHTH DAY — One Hundred Ninety Eighth Day
October 15, 1975
9:30 a.m.

Approved:

J. Ray Durtschi
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct. 6, 1975 (Date)

(CONTINUED)

Jurors returned and it was stipulated all present.

Mr. Thomas continued direct examination of Mr. Palmer. He questioned him regarding his conversation with the defendant in May 1975, while he was in the plane with defendant, at the time that there was a problem with Sheriff Taylor, who was also on the plane, and they had a minor plane crash. Mr. Palmer related to the jury what happendd at the time of the crash, after the plane had landed and crashed, with only minor damages, he drug Sgt. Taylor out of the plane, the defendant was behind him, the defendant was shaken and excited. Mr. Mason came and got the defendant and they revived Mr. Taylor, the defendant was still shaken so Mr. Mason took the hand cuffs off and got the defendant to straighten up, they ther got back in the air craft, the defendant, Sgt and himself and Mr. Mason, he saw that things were settled so got out to go help look for help. He came back to the plane and ot in, in the process his gun fell out of the holster, into the seat besides the defendant. Mr. Creech reached down and picked up the weapon and returned it to him.

After the plane returned to Boise, Ida and the defendant was put back in jail he received a tape from the defendant, which was personally handed to him by defendant. Defendant had recorded this tape in his cell, he said that he did not ask for this tape.

Mr. Thomas said that he would like to submit this tape under regualr proceedings before submitting it to the jury.

Jury was dismissed.

The court asked Mr. Robinson if he had hoard the tape?

Mr. Robinson said that he had, and there was a question as to voluntary nature of the tape.

The court asked if there was any objections to the contents of the tape?

Mr. Robinson said that on June 6, 1975 they came before the court and asked for a change of attorney for the defendant, the attorney was appointed on June 9, 1975. He said that the tape was made on June 6th, that he sat in on an interview with defendant and officer from Los Angles County in regards to some sacrifices in Los Angles Co, Calif. This was limited to matters in Los Angles Co., Calif, when they got into the area of Idaho matters, he instructed defendant not to say anything until he could have time to investigate, as he was new in this case. The defendant was not used to him as they were new with heach other, so the tape was given to Sheriff Palmer, by the defendant, to keep in good standing with the Sheriff.

Mr. Thomas questioned Mr. Palmer. He said that no rpomises were made to defendant and no benefits promised for this tape. He received this tape from the defendant several days after the interview of defendant with the two Loss Angles officers. This tape was completely voluntary by the defendant, no one asked him to make this tape.

Mr. Robinson cross examined Mr. Palmer. He asked if he had made the arrangements for interview of Los Angles Officers, and defendant, at which time Mr. Palmer and himself were present? He said that he had.

Mr. Thomas stated that the interview had been transcribed.

Mr. Robinson asked if this was the transcript of the interview of May 12, 1975, if so he was not present when this interview was held, if so there was previous contact of the defendant and the Los Angles County offiicers.

Mr. Palmer said that in all the time that the defendant was in his custody from Nov. 1974, that several trips had been made out of state with the defendant. He said that the the session held on June 6, 1975 had been pre-arranged on another occassion. As to the letter of June 9, 1975, he said that an area of trust had been established with the defendant and himself, over the period of time that the Appellant had been in his custody.

J. Ray Durtschi
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct 6, 1975 (Date)

(CONTINUED)

He said that he had cooperated with the defendant to a certain degree. Mr. Robinson asked Sheriff Palmer, if the defendant had ever made a promise to him not to try and escape? Mr. Palmer said that he had, but also had made an attempt to escape. He said that he had cust his wrists in an attempt to get into the hospital. These were just superficial wounds. At the time defendant told him he wanted to get into the hospital so some of his friends could help get him out. He said that also saw blades had been smuggled in to jail to try and saw out, this was prior to the air plane crash.

Mr. Robinson asked Mr. Palmer if when the defendant found the gun when the plane crashed, couldn't he have killed all of them and got away, if he had wanted to? Mr. Palmer said that the gun was loaded, but all the others had a gun, and he couldn't have killed all four of them, besides allof them were in a tight spot and they needed each other.

Mr. Robinson asked in regards to the interview on June 6, 1975, he asked the sheriff if it wasn't a fact that the statements of the defendant upset him at that time, as he was new as defendants attorney? Mr. Palmer said it could have. Mr. Palmer was asked why the defendant sent him the tape and letter other than to re-insiate himself in the good graces of the Sheriff or was he wanting some favor?

Mr. Palmer said that he did not feel that the defendant was trying to get in good with him or that he was looking for some favor, he had talked with the defendant before, and he thought that the defendant trusted him, and that the facts should be found out so they could get before the court, he feels that the letter and tape were sent to him and were voluntary statements.

Mr. Thomas asked the Sheriff if there was any indication through defendant, that his attorney did not want to have him talk to the Sheriff? Mr. Palmer said that there was a reference to this fact on the tape.

The court questioned Mr. Palmer regarding exhibit #49, he said that this had been limited purposes when exhibit was admitted. He asked Sherff Palmer had any knowledge of the defendant having been given warning and rights?

Sheriff Palmer said that he had read his rights many times and that the defendant knew them as well as he knew them if not better, they had been given him 25 to 30 times, in fact they had been given so many times that the defendant felt it a joke.

Mr. Thomas asked the Sheriff if the letter was received June 9, and the tape a few days later? He answered that it was.

Mr. Robinson asked Sheriff Palmer if that subsequently to his getting assigned as defendants attorney, if it was true and correct that he did abide by the ruling not to have any conferences without him being present, when ever defendant made statement, and wasn't this tape sent while he was out of town? Sheriff Palmer answered yes.

There was nothing further by Mr. Thomas.

There was nothing further by Mr. Robinson.

Mr. Robinson made statement, he said that it was his feelings that this was a voluntary statement, and he agrees that the defendant was given his rights many times and that the defendant understood them.

The tape was played for the court.

Mr. Robinson entered objection.

The court said that as far as he could tell, the objection will be overruled and this statement was not the result of any interrigation but was a voluntary statement by Mr. Creech, he feels that it is admissable as voluntary statement, that the defendant had received his rights and warnings many times.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975 Date

(CONTINUED)

Court recessed 10:23 a.m.
Court reconvened 10:30 a.m.
Jury returned and it was stipulated all present.
Mr. Thomas moved for the admission of Plaintiff's exhibits #63 & #64,
The court said that the records will show that there was an objection to this exhibit by Mr. Robinson, but this was over ruled.

Plaintiff's Exhibit #63 (Tape) admitted.
Plaintiff's Exhibit #64 (Recorder) admitted.

The tape was played to the jury.

Mr. Thomas asked Mr. Palmer, did you ever solicit the tape from the defendant?
Mr. Palmer answered that he had not.
Mr. Robinson questioned Mr. Palmer. He asked him to describe the air plane flight that crashed, also how long after the crash that the defendant came into possession of his revolver? Mr. Palmer again related the facts of the crash, how they had decided to land after one of the party had difficulty getting his breath, and on landing the plane had a minor crash. Sometime his revolver had falled from his holster, which was approximately one hour after the crash, the defendant was neither cuffed or in leg shackles at that time. He found the gun and just handed it to him. He never tried to use this weapon against them, but the others in the plane were armed and it would not have done him much good and besides nobody knew where they were or when they would get out, so they needed each other. He said that prior to Jun 6, 1975 the defendant had been very cooperative with him and Mr. Mason.
Mr. Robinson questioned him regarding the tape and the letter in June 1975. Mr. Palmer said that he did not feel that the tape or letter was a result of the interview on June 6, 1975, he said that in previous conversations with the defendant , he told him all the truth could come before the court and he felt that this was why the tape and letter was given to him by the defendant.
He was asked how long the defendant was in his custody? He said from Nov.'74 until June 1975, during this time he had seen the defendant spaced out on drugs and under the influence of drugs in a doctors office. He said that when the defendant acted spaced out in his cell, he felt that it was faked, he was professing that Satan had him. He said that his deputies had reported several incidents, but he was not present.
Mr. Robinson asked Mr. Palmer, that while the defendant was in his custody, had he aided or abeted other inmates from suicide attempts? He answered that he had a couple of times.
Mr. Thomas re-direct examined Sheriff Palmer in regards to the escape attempts of defendant? He said that one time he had broken a safety glass and cut wrist, these were just superficial cuts, and he didn't feel that they were serious enough for a hospital. Later the defendant told him that that attempt was to get outside, but felt those who were going to help him, would have killed him. He said that on one occassion a saw blade was smuggled in to the jail proper.
Mr. Thomas asked Mr. Palmer, when at the plane crash site and the defendant found his gun, could the defendant have escaped if he tried to use this gun? Sheriff Palmer said that he could not.
Sheriff Palmer explained the time that defendant was reported spaced out on drugs, that when he got to the cell the guards were working over him

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

he said that he felt that he was faking, so told him to sit up and behave, and he did, nothing was wrong. In regards to the assistance of other persons in jail, he did help once or twice. Other time he said that some person charged with rape had been put in cell with him and he tried to kill him. Another time he slipped in some coffee on his cell florr and fell, his arm was swollen up, other wounds were self inflicted by himself. He said that he got along when he wanted to, sometimes he didn't want to.

Mr. Palmer said that the letter in June was received several days later after the interview of Mr. Creech, Mr. Robinson, and couple other detectives.

Mr. Thomas moved to admit Exhibit #61 (letter) and #62 (envelope).
Mr. Robinson re-said his objections to exhibits.
Court overruled objection.

Plaintiff's Exhibit #61 and #62 admitted.

Mr. Thomas read the letter (exhibit #61) into the records.

Mr. Thomas asked Mr. Palmer if the defendant indicated that he was direxctly disobeying the instructions of his attorney, by talking to him? Mr. Palmer said that this is indicated in the tape, he knew that his attorney would disapprove.

Mr. Robinson re-cross examined Sheriff Palmer. He asked him if while the defendant was in his custody, had the defendant ever lied to him? Mr. Palmer said that he had, but that he had difficulty telling when the statements were true or false.

He was questioned in regards to the defendant trying to kill his fellow cell mate? Mr. Palmer said that he was told that the man had bragged in the cell about the young girl he had raped, and the defendant, Creech had went all to pieces and tried to kill the man.

There were no further questions at this time, but the witness was advised to remain for later time.

Alvin R. (Bud) Mason was called, sworn and direct examined by Mr. Thomas, he said that he is with the Bureau of Narcotics for the State of Idaho, in Boise, Idaho. He was an investigatior for the Dept. of Law Enforcement on Nov. 5, 197' and was assigned to assist the Sheriff of Valley County, Idaho in a double murder. He went to Cascade, Ida. on Nov. 5, 1974 to conduct an investigation. He said that he contacted Sheriff Lynskey and other officers and witnesses that were connected with the Donnelly incident. His first contact with the victims was at the morgue at the St. Alphonsus Hospital, Boss, Idaho. He said that the victim Arnold was identified on Nov. 6, 1974 but that Mr. Bradford was not identified until later through finger prins and teletypes. He said that he also viewed the car, inside and out, he assisted Dr. Scott in the autopsey on both days of both victims. He said that he took these clothes from the victims, these had to be air dried so could be sent to the FBI lab in Wn. D.C.. He identified articles of clothing, Plaintiff's exhibits #10, #11, #12, #13. He went to Mountain Home to assist Mr. Maxwell and Mr. Woodall with investigation with Carol Spaulding and Mr. Creech. He said that he was in the car that took both Miss Spaulding and Mr. Creech back to Cascade, Ida. from Mountain Home. He said that he heard the defendant talking to Miss Spaulding in the back seat of the car.

The court questioned the witness regarding this conversation?

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct. 6, 1975 Date

(CONTINUED)

Jury admonished, and excused for noon recess.

The court asked if the parties were going to go into the voluntariness of this conversation?

Mr. Thomas asked the witness if they conducted any interrigation in t he car? He said that they did not.

The court said that he wanted the questioning regarding this conversation in the car to be limited to just that.

Court recessed 11:27.

Court reconvened 1:35 p.m.

Jurors returned and stipulated all present.

Mr. Thomas continued questionirg of Mr. Mason regarding the conversation he heard between Mr. Creech and Miss Spaulding in the car? He said that while they were in route, the defendant said that they left the car on the right hand of the river on Highway #55, 17 miles so. of Cascade in canyon. He also described the circumstances of a plane crash on May 12, 1975, in which the defendant, Mr. Palmer, Mr. Taylor Tom Ambrose and himself were present. He said that he observed the defendant during this plane crash some, but was trying to help Sgt. Taylor so didn't have to much time to pay close attention to defendant at the time of the crash, but after they had worked on Sgt. Taylor and he was better, the defendant, Mr. Taylor and himself got back into the plane, as it was cold and snowing outside, it was there that the defendant made a statement to him. "He said that this sure made a Christian out of me. I had no reason to kill those guys, the jury should find me guilty". He felt that the defendant was referring to the Idaho cases at that time, only one set for trial.

Mr. Thomas asked the court to take judicial notice that the Idaho cases were set for trial on May 20, 1975, the only jury trials pending.

The court said that judicial notice would be taken.

Mr. Thomas asked Mr. Mason how the actions of defendant was at the time of that statment? He said that defendant was normal and rational. His comments were not in response to any questioning just spontaneous statement.

Mr. Robinson cross examined Mr. Mason asked if the spontaneous statement came before the gun was recoved that defendant found in plane? He said that it had. This statment was not in response to any questions asked. He assumed that the defendant was referring to the Idaho cases because of the pending trials.

He was asked by Mr. Robinson if when the defendant picked up the loaded gun and returned it to Sheriff Palmer, if it was possible for the defendant to waste all the officers on the plane and escape? He said that he did not fell that it was possible.

Defendant's Exhibit A (copy of rap sheet) identified and offered.
Defendants's exhibit B (copy of rap sheet) identified and offered.

Objectiony the State as irrelevant.

The court said that it would take the ~~one~~ same position as before, there are separate portions that relate to identity and this would be admitted, but goes beyond the scope of the direct examination.

Jury was excused and admonished.

Mr. Robinson stated that it tends to go beyond the direct examination but the evidence has been admitted already. That the personalities of both Mr. Arnold and Mr. Bradford are relevant, they could have raped Miss Spa ding as has been testified to already.

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant | Docket No. 9701 | October 6, 1975 Date

(CONTINUED)

The court stated that it is not sustaining on the relevancy, this is a mute question, but beyond the scope and it probable will come before the court, and if it can be shown that the defendant had knowledge of the mens character, then it will be considered, but no foundation has been laid for that information, at this time.

Mr. Robinson said that there has been reference to Mr. Bradfords being in the Alabama State Penitentiary.

The court said that it would adhere to its ruling.

Court recessed for noon.

Court reconvened at 1:30 p.m..

The jury was returned and it was stipulated all were present.

Mr. Thomas re-re-direct exained Mr. Mason regarding the defendants picking up the gun in the plane and if he could have wated all four persons on that plane? Mr. Mason said that due to the seating arrangements on the plane that the possibility existed but that it was not probable.

Mr. Thomas asked him if he knew at the time of the crash, that a trial date had been set for later that month? He answered that he knew this.

No further questions at this time.

Derold E. Lynskey, Sheriff of Valley County, Cascade, Idaho was called, sworn and direct examined by Mr. Remaklus. He said that he was Sheriff on Nov. 5, 1974, and was assigned with Deputy Maxwell to investigate two murders. On Nov. 8, 1974 he went to the scene where the bodies were found and viewed the bodies and the area. He identified Plaintiff's Exhibits 1 A and 19. He stated that he was present at the autopsey of Mr. Bradford, on Nov. 6, 1974, both bodies were in the authopshey room at that time. He identified Plaintiff's Exhibit #11, #12 and #13. He said that he took these exhibits and kept them in his safe until they were sent to the FBI lab in Wash. D.C..

No questions by Mr. Robinson.

Jury was admonished.

Court recessed 1:40 p.m.

Court reconvened 2:05 p.m.

The court asked if they were ready to proceed with the examination of Miss Carol Spaulding? The parties stated that they were.

The court said that the records will show that the defendant has been appointed an attorney to represent her, Mr. William Boyd, and has refused to answer questions in this matter on trial. That it has been requested under Section 19-1115 that the court order the witness to answer the questions. A copy of this has been handed to Miss Spaulding and the defendant. That pursuant to the request under Section 19-1115, it has been asked to show cause, if she has any, why the questions should not be answered and evidence produced.

Mr. Boyd said that there is no evidence if the questions are within the bounds of the Order.

The court said that it could find nothing clearly contrary to public insterest and will order the witness to answer the questions propounded as long as the questions are outside the proceedings in Valley County, Idaho, this will not incriminate her. The statute provides that she will not be prosecuted .

Mr. Boyd said that the Order granted immunity to the events in Valley County but does not extend to Lewiston or Boise, Idaho.

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant | Docket No. 9701 | Oct. 6, 1975 Date

(CONTINUED)

The court said that this is correct, just Valley County, Ida..
Mr. Boyd said that any facts that are propounded in regards to Valley County, he will not tend to offer advise.
Jury was returned and it was stipulated that all were present.

Carol Marie Spaulding was called, sworn and direct examined by Mr. Remaklus. She said that she is 18 years of age now. Mr. Remaklus asked if on Nov. 3, 1974 she was at Lewiston, Idaho?
Witness refused to answer.
She was asked if on the early morning of Nov. 4, 1974 she had occasion to be near Donnelly, Valley County, Idaho, and if she knew where Cascade, Idaho was? Witness answered yes. She was asked if when she was in Valley County, if she was with someone? Miss Spaulding answered that she was with the defendant, Thomas Eugene Creech (defendant identified). She was asked if there was anyone else with them in Valley County? She said that Tom Arnold and Wayne Bradford, defendant and herself were traveling in Arnold car. She was shown State's Exhibit #28 and identified it as the car they were in.
She was asked if prior to getting into the vicinity of Valley Co., if she had been near McCall, Idaho, before traveling on to Donnelly, Ida.? She said that all four of them stopped at a lake, where there was a motel. When they left McCall, Mr. Arnold was driving the car, she was sitting next to him and Mr. Creech next to her. Mr. Bradford was asleep on the back seat. She said that the door on the drivers side did not open so everyone had to get in on the passenger side. She described the interior of the car as dirty. They left McCall and drove south towards Cascade, they stopped somewhere before getting to Donnelly and siphoned some gas out of a car. This was about a mile south of Donnelly she thought, but it was close to mid-night. When the car stopped she asked the defendant to change places with her, she didn't want to sit next to Arnold, as he kept putting his arm around her shoulders and touching her breats. The car stopped and the defendant got out of the car, she got out and he shoved her away and he shot the two men, first Mr. Arnold and then Bradford. The bodies were then removed and put in a ditch, they came back to the car and he told her to get in and they drove on. Mr. Remaklus asked her if she had seen the defendant with the gun in his hand? She answered that she had. After they got back in the car they left the scene where the men were shot and drove on to Cascade, Idaho, they stopped there, Mr. Creech was driving. He tried to hot wire a car in Cascade, but it didn't work. They were in Cascade, Ida. about one-half hour. They got back in the car and drove down the road and pulled into some place to rest for awhile, behind a building, later they went on a little farther until the car ran out of gas. Then they had to get out and hitch hike.
She was asked if they hitch-hiked to Boise, Idaho? She refused to answer this.
Mr. Boyd ask that the jury be dismissed in order that he might present argument to the court.
Jury excused after being admonished by the court.
Mr. Boyd said that as he understood the court, it only grants immunity as to the things that happened in Valley County. The mere fact that she was in Boise, Idaho can tend to incriminate her, he is aware of things in Boise that might be incriminating.
Mr. Remaklus said that he only intended to trace the rounte traveled to where she was arrested.
The court asked if there was any objections to facts in Elmore Co.?

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct. 6, 1975 Date

(CONTINUED)

Mr. Boyd stated that an effor has been made to connect the gun with her in Elmore County.

The court said that as he reads the stature, it would exclude any othercounty other than Valley County.

Mr. Remaklus said that he knew of no criminal action in Elmore County..

The court said that it is not convinced there could be no criminal action in regards to the gun.

The jury was returned and it was stipulated all present.

Mr. Remaklus continued to examine Miss Spaulding. He said that after hitch-hiking that they wound up in Glenns Ferry? She ansered yes, they want into Glenns Ferry with some man, could be Mr. Rivers. They stopped there and her and this man went into cafe to have a cup of coffee. She was asked who was in the cafe? She said some workers, a police officer, cafe help. When they left they took a cup of coffee, to go, for the defendant, who had stayed in the car. She said that the weather that night was windy and cold. They left the cafe, got back into the car, she was in the middle, Mr. Rivers was driving and Creech on the other side of her. They drove for a short while and then the police car pulled them over. They got out of the car and was taken to the police station, where they were questioned. Later they were taken to Mountain Home, Idaho, in a police car, she and the defendant, Creech roade in the back seat together.

Mr. Remaklus said returning to the scene of the shooting, did she have any knowledge that the defendant was going to shoot the two men? She answered No she did not. He asked her if the man driving had his arm around her and had he at one time tried to rape her? She answered that he had not. She described the actions of Arnold and Bradford, both were drunk, but she was not afraid of them.

She identified Exhibit #24 as her coat, exhibit Q31 as blue coat of defendants and Ex. #25 as her hand bag.

Mr. Remaklus asked her to describe the clothing that the defendant was wearing that night they were arrested. and if at any time she had had the gun in her purse?

Miss Spaulding said that the defendant had on black pants, jacket. That when they were arrested the gun was in her hand bag, but Mr. Creech had put it there.

She was asked if at the scene of the shooting if she had saw a knife, and if anyone had held this knife to the defendants throat.

She said that she did not see any knife at the scene of the shooting, and she did not know anything about anyone holding a knife at the throat of the defendant, Creech.

Both men were in the automobile when shot, Mr. Creech was standing at the door.

She was asked to identify State's Exhibit 1 A and 1G. There was no answer by Miss Spaulding.

Court recessed 2:53 p.m., the Jury was admonished.

Court reconvened 3:03 p.m.

Jurors returned, stipulated all present.

Mr. Remaklus continued to examine Miss Spaulding, he asked her where she was when Mr. Arnold and Mr. Bradford were shot? She said that she was standing outside the car.

Mr. Robinson cross examined the witness. She was asked when and where she was born? She answered on Dec. 12, 1956 at Los Angles, Calif.. She stayed in Calif. for 10 years and attended the first through the fifth grades there. She has a sister now 29 years old and a younger sister, Kathleen now 15 years old and a brother, Glenn now 11 years old. She said that she has foster borthers and sisters. She had been in five foster homes. Her parents are separated. Her father is in Los Angles and works

Approved:

J. Ray Durtschi
District Judge

Page

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975 — Date

(CONTINUED)

at repossessing cars and is now with a carnival, he was with the carnival in Sept. 1974. She was asked where she met the defendant Thomas Creech? Witness refused to answer. She was asked if she used drugs? Witness refused to answer. She was asked if she drank intoxicating beverages? Witness said not often. She was asked if on Nov. 3 and Nov 4, 1974 was she drinking any intoxicating beverages? She answered that she was not. She was asked if she was under the influence of any drugs on Nov. 4, 1974? She asnwered No. She was asked if she used drugs extensively before she met the defendant? Witness refused to answer. She was asked if she stole the gun from Lewiston, Idaho? Witness refused to answer. Mr. Remaklus asked her if Kathy and Danny were with them in Valley County, when they were Mr. Bradfor and Mr. Arnold? She answered that they were not. She was asked if they searched the trunk of Arnold car for a pound of drugs supposed to be in there? She answered No. She was asked if anyone searched the truch for drugs? She answered that she did not know. She was asked if any was found? She said No. She was asked if she believed that Arnold and Bradford had drugs (smack or heron) before they were killed? She said No. Mr. Remaklus asked her what the purpose of the stop at the motel in MaCall was for? She answered that it was to get out and streach, to wash up and rest, she said that this was for approximately 10 or 15 minutes. She said that Mr. Arnold sold his coat at the bar to get beer. She said that Mr. Creech had money from a stolen battery charger that he sold, she didn't have any money. She was asked if she or any of the party smoked a joint at the motel? She said No. Mr. Remaklus asked if she stopped at Grangeville? She answered yes. Did she remember being at the Texaco Station in Grangeville? Witness refused to answer. She was asked if she was carrying exhibits #22 and #23, the gun and holster, while in Grangeville? She answered No. In McCall? She answered No. She was asked when the first time the gun came into her possession? She said in Boise and after the men were killed.

She was asked her present residence? She answered that she was in Carson City, Nevada, at the penitentiary, since May 1975. She has been in custody since May 8, 1974 in jail, then juvenile hall and the Idaho State Penitentiary. She entered a plea of Guilty to Accessory and Harboring a Fugitive. She was asked if she had ever been charged with a felony before? She answered No.

Mr. Robinson aksed if the first time Arnold or Bradford made any sexual advances toward her was after they left the motel in McCall? Witness refused to answer. She was asked what happened when Mr. Arnold put his arm around her shoulder and reached for her breast, after they left McCall, and what did he say? She said that she did not ~~them~~ remember. She was asked if any propositions sexually were made? She said she didn't remember. Mr. Robinson asked while the four people were in the car did Mr. Bradford make any comments or advances? She said not really he just kind of laughed. She asked if she asked Mr. Arnold to stop? She said that she moved away from him and asked him to stop. She said that she then asked Mr. Arnold to stop in order that she could go to the bathroom. Mr. Robinson asked if there was any conversation between Mr. Creech, Bradford and Arnold before stopping the car? She said that she wasn't sure. She was asked how Creech became aware of sexual advances? She said that she told him. She was asked if he knew that she was pregnant at that time? She said that he knew. She was asked when the child was born? She answered June 30, 1975.

Mr. Robinson asked that if it was true that she testified that after the car stopped ans she got out that Mr. Creech just turned and sot Mr. Arnold and Mr. Bradford, without her saying anything about the

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

advances? She said he knew. She was asked if she knew of any incident when Mr. Bradford held a knife at the throat of Mr. Creech? She said that she didn't see any. She was asked if when she was picked up if she hadn't made a statement that they had held a knife at the defendants throat?

Objection by Mr. Remaklus.

Mr. Boyd asked if this had been under oath?

Mr. Remaklus said that he did't know.

The court said that a foundation had better be layed.

Mr. Robinson asked the witness if she recalled being arrested and taken into custody, by Officer Hill and later being taken to Mountain Home, Idaho? She answered No. She was asked if she remembered Officer Freeman and Officer Woodall? She said that she did not remember Freeman but believes she remembers Mr. Woodall. She was asked if she remembered these men having a question and answer session with her on Nov. 8, 1974? She said that she remebers being questioned. She was asked if she remembers making the statement about the knife at defendants throat? She answered No. She was asked if she had been given the Miranda Warning or rights? She said that she did not remember, she does not remember signing any papers. She was asked if when she was in juvenile detention, at Boise, Idaho, if she remebers telling officers that Mr. Bradford held knife at the throat of the defendant? Don't know. She was asked if at any time she remembers having been given an oath. She answered she didn't know.

She was asked if she had taken LSD before her arrest? She answered No. She was asked if it was available? She answered No. She was asked if Mr. Creech had? She answered No. She was asked how long it had been before her arrest that she had taken any drugs? Witness refused to answer. She was asked if there was some reason why she can't remember the surrounding circumstances? She said that she didn't know.

She was asked if rights and forms were not given to her to sign at Glenns Ferry? She said that she didn't know? She was asked if she wasn't given her rights more than once at Mountain Home? She said that she didn't know, she refused to sign anything at Mountain Home. Mr. Robinson asked her about her education? She said that she had completed 10 grades and now had her GED. She was asked if she had ever been part of an organized bike club? Witness refused to answer.

Mr. Robinson asked if at the site of the killings, if she had aided and assisted Mr. Creech in pulling the bodies to the ditch? She answered that she had not. She was asked if she recognized the blanket and sleeping bag? She answered she did not. She was asked if she kept back or had she help cover the bodies with the blanket and sleeping bag? She said that she had not helped defendant. She was asked if she had kicked either of the men after they were dead? She answered No. She was asked if the killings had made her sick and had she thrown up? She said No she had not. She was asked if these were the first men she had ever seen killed? She said that they were. She was asked how long they remained at the location after the men were killed? She answered about 5 minutes. She was asked if there were blood on the car seats and if they wiped it up? She said that there was blood on the seat and it wasn't wiped up. She was asked if she had helped? She said that she had just stood there. She was asked if she had ever made any sound or cried out? She said that she did cry out "Oh My God! She said that she was frightened and sick. She was asked how long it took them to get to Cascade, Idaho. She said she didn't know that they went to a gas station and tried to steal another car, she said that this was near the court house, about two blocks away, she sat in the car while he tried to wire the wires under the dash

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

She said that they were ther about 10 minutes, the car could not be wired, as there was no battery, they went back to the car that the men had been shot in and went on down the road, they were in Cascade about one-half hour. They drove to some place where there were some buildings, so Mr. Creech could sleep but didn't stay there long.

She was asked if there was ever any conversation as to why he shot the two men? She said that she asked him at Donnelly, but he never answered her.

They then went on to a Lodge and parked among the cars in the parking lot, so they could rest. It was a cold night so they left the heater going.

She was asked if she could drive a car? She answered No.

Jury was admonished and excused.

Court recessed 4:00 o'clock p.m.

Court reconvened 4:10 o'clock p.m.

Jury was returned and it was stipulated all were present.

Mr. Robinson asked if they attempted to push the 1956 car into the river? She said that they had after it ran out of gas. After that they had two rides, first with a woman with a young child, then they were picked up by a young man.

She was asked about the smell of the 1956 car? She said that it had smelled bad, as Bradford had urinated in it.

Mr. Robinson asked Miss Spaulding if she had been Dans "Old Lady"? She refused to answer. He asked her if he was the father of her baby? No answer.

She was asked if Mr. Creech and her came to Lewiston from Kentucky? She refused to answer. She was asked if she was a member of a Satanic Cult? She refused to answer. She was asked if she had ever been at the McCoy Ranch in California? She refused to answer.

Mr. Robinson said that this concludes the cross examination, but requests that the witness be available to be called on the defendants case.

Mr. Remaklus asked if when she was at Mountain Home and Glenns Ferry if she todl the officers that Mr. Bradford had a knife at the throat of Thomas Creech and if she had why? She said that Tom had told her too.

Mr. Robinson asked Miss Spaulding if this was in a conversation between her and Creech to put stories together as to how the killings occurred? She said that Tom Creech told Jim Marsh, at who's house they were staying about the killings, and then he told her again on the trip from Glenns Ferry to Mountain Home.

There were no more questions.

Mr. Remaklus asked Miss Spaulding if Mr. Creech told her to say that Mr. Bradford held a knife to his throat? No answer.

The court said that the witness would be held available for the defendant to call on thais case.

Mr. Remaklus said that they would like to make and Offer of Proof in the absence of the jury.

Jury was admonished and excused.

Mr. Thomas said that the first offer was to relate to the name of Joe Carl Adams. He said that the name of Joe Carl Adams was a name listed as an alias and identification in the defendant possession. They will offer to prove that the defendant, Thomas Eugene Creech between the time of the crime charged here and his arrest entered a 7-11 store in Boise, Idaho and robbed it taking the identification from Joe Carl Adams. He believes that the Supeme Court allosws th**Appeared** to be put on

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff

vs.

THOMAS EUGENE CREECH, Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

He said that there is the testimony of Gene and Becky Hilby on the murder in Portland, Oregon. Before the defendant did so he advised them that he was threatened with a knife. The same in Salem, Oregon. The circumstances are the same here and this was raised in the cross-examination of defendant. Defendant opened this area up.

Mr. Robinson said that the Adams identification and other evidence mentioned by Mr. Thomas, points to evidence in other crimes and is prejudicial.

The jury was returned and it was stipulated all present.

Mr. Remaklus stated to the court at this time, that the State rests.

The jury was admonished and dismissed for the evening.

Mr. Robinson made a Motion to the court to Dismiss this charge against the defendant the Plaintiff failed to prove the charges filed against the defendant.

The court stated that this Motion would be denied.

Mr. Robinson asked the court if it would listen to argument on Motions limiting testimony, he said that the defense is going to make a total exposure of the life of Thomas Eugene Creech, giving the reasons for these statements, but will deny the double murder accused of here as he did not commit the crime. He said that the testimony will commence with the first death that the defendant was involved in, in 1956, as to the involvment in the Satanic cult, involvment in drug traffic, as a hit man for a bike organization, up to getting himself captured to find security in law enforcement as there were several contracts out for him. He is going to make these statements on his own war on drugs and rapists, and to the voluntary statement made by him to save the other person who did the killing of Mr. Bradford and Mr. Arnold. He said that he feels that all testimony of the defendant, Thomas Eugene Creech is important, needed and necessary to combat proof submitted by the State.

The court said that he would like some guidance here.

Mr. Robinson said that he felt constricted by the courts ruling and wants now to make a complete disclosure of the life of defendant so jury can have the complete picture before them.

He would like ruling on expert witnesses of Satanic Cult and bikers, as to his restriction to witnesses.

He will make and Offer of Proof after the testimony of defendant and anticipates expert testimony will be called on all sessions on polygraph and sodium pentothol tests by the State, these will be submitted to the court before producing witnesses.. He said that he anticipates the direction of the State and those witnesses requested to recall will be to establish crimes discovered by officers and that they have personal knowledge of.

The court said that he intends to adhere to his original ruling, there will be no testimony in this that isn't relevant. In the opening statment it was said that any testimony about cults were going to have proof to prove relevant to this case. He recognizes that Mr. Robinson would be able to go into the back gound of defendant as a foundation for expert witnesses as to psychiatrists, not demon cults.

Mr. Robinson said that he must make the jury understand why this voluntary statement was given.

The court stated that complusion not a defense.

Mr. Robinson not offering complusion as defense in Idaho but in other killings that were done under complusion until he broke away.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

October 6, 1975 Date

(CONTINUED)

Mr. Thomas said that the defendant is required to submit an Offer of Proof on all testimony going into. The problem arises as some material made by defendant on discovery will report fact that are untrue. He thinks the defense of the defendant is completely wrong. As to the clergymen he feels this is irrelevant and should not be submitted unless there is some Order to Show Cause. If this defense is to be made must be some showing other that a statement that he didn't do it.

Mr. Robinson said that the jury has the right to hear both sides of this. He has tried to demonstrate to the court that he is not coming down irrestponsible. he feels that the whole story must be told as it takes all the details to get to the jury so they can make a determination if the defendant is guilty or not guilty.

The court stated that he has only given two reasons why this material is relevant. He said that he cannot see why statement should be in evidence when the court will not allow evidence. Can't see why massive detain to combat voluntary statement, or mental defect.

Mr. Robinson said that he can assure the court that the basic testimony on mental defect is necessary to lay foundation as to defendants life after joining cult.

The court said that it would limit psychiatric to findings of mental defect in n finding of mental disease, this would be so ruled, foundation must be layed first.

The court said that an Order of Proof has to be reversed, have psychiatrist testify and say he has mental defect.

Mr. Robinson said that Dr. Heyrends is not available until next week, and he is the only witness to lay the way, if defendant not allowed to testify first, then other police officers.

The court said that he felt that Mr. Robinson was embarking on a highly and extremely dangerous task and dangerous to client, feels that this could prejudice the jury and not accomplish one thing, if psychiatrist not allowed to testify. The court advised the defendant that any evidence given here could be used against him in other areas, so give this special consideration.

Mr. Robinson said that he has told the defendant this. He said that he has not changed the facts that existed when he came on this case. He feels his duty as defendants attorney to save his life, to bring out this entire matter.

The court said that he hasn't resolved how far Mr. Creech will go in his testimony.

Mr. Robinson said that he has never been involved in a case as this. He assured the court that he is abiding by the rules and not attempting to make spectatular matter of this case, he honestly believes that this is the only chance that the defendant has to relate entire matter as stated.

The court said that he is advised that defense intends to put on any relevant testimony for defendant on the commission of his acts and the voluntary statment. He feels that in ruling on this he feels bound to establish rules, he is not going to state that under this ruling that the defendant is going to be allowed to prove all you plan to, he doesn't know how he could.

Mr. Robinson said that he would attempt to prepare opening statemant in a restricted way.

Mr. Thomas said that defense attorney in light of representation of Dr. Heyrends testimony, that the reports have been submitted and it appears unlikely that mental defect can be proven.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff

vs.

THOMAS EUGENE CREECH, Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

If the statement does not conform to the opinion of the doctor, he will be putting something in not included at all.

The report of Dr. Heyrends will be handed to the court.

Mr. Robinson said that in a conversation with Dr. Heyrend, he stated that he failed to cover the area of the last ordered examination which took place Sept. 25th and 26th, at which examination Mr. Wickersham and Mr. Palmer were present.

Court recessed at 5:20 p.m.

NINTH DAY

One Hundred Ninety Ninth
October 16, 1975
9:30 o'clock a.m.
Present as before

The court said that in view of the fact that counsel required some guidance in this case, and in order that defendant does not claim through 18-201 mental desease or defect, the court will not permit any psychiatric report based on past conduct.

The court has previously ruled that the State cannot prove crimes in other jurisdictions without the defendant opening up the opportunity, if this happens then the State can come back in rebuttal and prove this.

The court said that no results of polygraph or truth serum will be admissable in this case.

Mr. Robinson made a statment that in going into his case and if he fail in disclosure he is opening a pandora box and the State can open this up on rebuttal on out of state crimes.

Court this is correct.

Jury was returned and it was stipulated all were present.

Mr. Robinson made his opening statement to the court and jury.

Thomas Eugene Creech, defendant was called sworn and direct examined by Mr. Robinson. He stated that Thomas Eugene Creech is his true and correct name. He understands were he of the mind that he is not made to testify in this matter, if he does not want to, but he does so wish to testify in this matter.

He said that he was born in Dayton, Ohio on Sept. 9, 1950. His parents names are Zola Faye Creech and Harold Dean Creech, they lived in Dayton, Ohio for five years then moved to Mount Orab, Ohio where he attended the first eight grades of school. He has a half-sister, Eddie and a half-sister Brenda, a sister Virginia and three bothers Bill, Jim and Joey. They then moved to Lebanon, Ohio, and from there after about a year and a half they moved to Hamilton, Ohio. He said that he continued to go to school, but stopped in the 11th grade.

He described the home they lived an the family, he said that his mother and father frequently fought and were always on the verge of separating, that they finally divorced in 1969 or 1970. He said that his relationship with his father was fairly close, that he got along better with him than with his mother. His father was in heavy equipment business and his mother ran a pizza place. Both of his parents drank alot and fought, sometimes psychial fights. One time when it was Xmas and the entire family was ther, his Aunt tried to bill his mother.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

October 6, 2975 Date

(CONTINUED)

Mr. Robinson asked the defendant if he had been baptised and when? Defendant said that he had been baptised in the Baptist Church around 11 years of aged, in Williamsberg, Ohio, with his sister, mother and 2 brothers, then in the Church of Christ at the age of 13.

Mr. Robinson asked the defendant if he had ever killed a human being? Defendant answered that he had. The first person was Danny Johnson, he knew him about a year before his death. He said that he had a girl friend called Sandy Scott and she went out with Danny and one of the times she was killed in an auto accident in a car driven by Danny, both of them were loaded on drugs. He said that he and Sandy had planned on being married. After the death of Sandy this turned him against drugs completely. He said that he had tried drugs and also drank alot. In August 1966 he went swimming, with a bunch of kids and Danny was with them, this was in Miami, Ohio. He had always felt that Danny was responsible for the death of Sandy, so he drowned him and disposed of the body by weighing it down with sand bags and putting in a bottomless gravel pit.

He then went on a trip to California by forging a check on his parents account for the amount of $500.00. He traveled by bus, taking 10 days to get to San Francisco. He had no friends or relatives there so stayed the first night in a bus depot, the second day he walked around and met a girl and went home with her. That night some black men jumped him and took all his money after beating him up. Having no money he went out on the streets and tried pan-handling. He met Larry Ramsey, a/k/a Crazy Larry and established a friendship with him. Larry took him to a Hospitality House, which is a half-way house for people to go and get food, there is also alot of drugs there. At this house he met Raymond Ramsey and Leroy Fields. He said that there were alot of drugs in Union Square Park and he was asked if he wanted some, and ended up at this Fields house. While he was there this fellow made improper advances towards him, so he killed him. He took his money and what baluables he could find. He was 16 years old at this time.

After that he wired his folks, who sent him money enough to get back to Hamilton, Ohio. Things went alright for about a week or two and then he and his father got into an argument over the forged check. He arranged to repay him and went to work at different jobs, such as fry cook and gas attendant. He was fired from the restraunt as the safe came up missing $40.00. He then went to Dayton, Ohio, where he met up with Freddy Richardson, who was with the Chapter of the Outlaw Motor Cycle gang. He became a member of the Outlaws. On becoming a prospect member he was required to do so many contract killings. He gained the rank of Chief Enforcer after filling his five contracts. You had to be a prospector in the bikers before getting your patches and colors in the gang. He told about the five contracts. The first three contracts he said that he was given a location and went there to some house, he walked in the door and all three person in the contracts were sitting on the floor, all flaked out on drugs, so he shot them. The other two contracts he gave a dose of bad drugs and they both died. This fulfilled his five contracts and he was advanced to Chief Enforcer. This meant that he instructed other members in fulfilling contracts and their duties. He was to make sure that any contract handed down was carried out.

He was asked if the Outlaws engaged in drug Traffic? He answered that they did.

He was asked if there was any particular religion of the Bikers?

He answered not really, all of them are not in the Satanic Worhipers. He said that he was introduced to the Satan Cult on his first trip to California, he became a member in 1968.

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

On Sept. 27, 1967 he went into the Army, he had his basic training at Fort Bening, Ga., he was there for 8 weeks and graduated as Buck Sgt.. He went home on leave for 14 days, and stayed 30 instead. During this time he married Imogene Fredricks on January 3, 1968. As a result of his marriage he got an extension on his leave, but still overstayed this leave and was AWOL. He was caught by Hamilton detectives and sent back to Georgia for more training. He was sentenced to six months at hard labor and a 2/3rd pay deduction. He went AWOl again, after his wife called and said that she was having problems and was pregnant. He tried to get leave and couldn't, so went anyway. He was gone approximately one month again, and picked up by the Hamilton authorities and returned to Kentucky, to the Federal Holding Facilities at Fort Knox stockade. He was given a special court martial and got six months at hard labor and a 2/3 pay deduction cust again. He spent 60 days and lost his pay, then returned to active duty. Right after his release he went AWOL again and went to Hamilton, Ohio, then to Ventura, California. Two months later he was arrested for being drunk on a public freeway and returned by the State Police and put in the marine brig, in the Fort Riley Stockade. He was given a special court martial again and got six months at hard labor and a 2/3 pay cut. He again went AWOL and went back to Ohio, he was picked up and sent to Fort Benjamin, then to Fort Riley and given another court martial. He tried to escape from there but he was not successful and received a further sentence. He then tried to cut a Guard with a razor blade, and spent one month in maximum security. He was sent to Fort Leavenworth to the disciplinary Bureau, in Kansas and sentenced to a total of 18 months to 5 years. He served most of this until he escaped in Nov. 1968, with two other men, one of these was Charles Engleberger, they went to Norton Kansas to Charles sisters house, by stolen auto. Charles turned himself in and he went on to Ohio, using another stolen car and traveling at night. He got to Hamilton, Ohio and sold the stolen car to his brother, Bill. He was again picked up in Dec. 1968.

While he was in Ohio at that time he was involved in the killing of another man called Ski. He said that he and this man were at a Village Inn drinking and this Ski made derogatory remarks about his wife so he shot him with a 32 automatic.

On Sept. 22, 1968 his child was born, named Cricket, and on the last AWOL trip he and his wife were having problems and suing for divorce.

Jury was admonished and excused.

Court recessed 10:35 a.m.

Court reconvened 10:47 a.m.

Jury returned and it was stipulated all were present.

Mr. Robinson continued to question the defendant. He asked him if the body of Danny Johnson had ever been found? Defendant answered that he was not sure. He was asked if the body of the homo sexual in Calif, the persons killed on the five contracts or the body of Ski had ever been found. He said that he was not sure, that when he shot [illegible], he just let him lay where he had been shot.

He was picked up on Dec. 2, 1968 and returned to Leavenworth to do the remainder of his sentence. On June 4, 1969 he was discharged with an Dishonorable Discharge. He said that he had been granted some clemency, as one of the gurards had been bringing in acid (LSD) and one of his friends had died from the drugs, so he went to the security officers and they gave him money to make an buy and for helping them he was granted clemency and was totally discharged. He then went back to Hamilton, Ohio and went to work.

While he was in the service, Freddie Richardson had been stripped

Approved: J. [illegible] District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975 — Date

(CONTINUED)

of his colors in the Outlaws. After he got back from the service he made a couple of drug runs for the Outlaws.

He was arrested on July 27, 1969 for committing armed robbery, along with him was his brother Bill and a Clifford Smith. He made a plea bargain and he entered a plea of Guilty to unarmed robbery and was given a sentence to Ohio State Penitentiary, sentencing on Dec. 11, 1969. He was taken from there to the reformatory in Mansfield, Ohio, along with his brother Bill. At the reformatory he got into a couple of fights with a lifer who tried to make a sissy out of him. He threw hot tea on him and they sent him to the hole for 30 days. After that he was transferred to Lebanon Corrections Secutity, where he picked another fight and was sent to Lima State Hospital for the criminally insane on July 14, 1970. Before he was sent to the Hospital for the Criminally Insane he was at Chillicothe Prison, and during this time his mother and father came to visit him, while on one of those visits his father had a heart attack and died. He said that he tried to help him and he sent for an inmate nurse to get oxygen for his father. The nurse took his time and it was 27 mirutes before he got there and his father died in the mean time. He tried to kill the nurse then tried to hang himself, this is why he was sent to the Mental Hospital. He was in Lima State Hospital from July 14, 1970 until Sept. 14, 1971. He said that wierd things really happened there and he explained this to the jury. He said that he was put in the strong ward for a couple of months then worked under supervision, then tried to escape and was put in maximum security, then put in hospital ward and worked with old men, while there was in quite a few fights, then he was transferred back to Chillicothe on Sept 14, 1971 until Dec. 2, 1971, he was then put on parole and was not supposed to leave the State. There were other conditions of this parole as he was to find work , was not marry without permission, could have no firearms and report to his parole officer twice a week. He said that he got work for a furniture auction but quit because of the pay. He then worked as a tree surgeon as an apprentice for two months. He was reunited with his mother who had remarried a Donald Glubber, they were living in Hamilton, Ohio. His next employment was in running drugs from State to State. He became involved through this ~~wither~~ with Peter Simons who was one of the bikers. He ran drugs for the bikers out of Dayton, Ohio to Indianapolis and Salt Lake City. He got the cars that these drugs were transported in from the people he worked for, which was company called Acon. He ran drugs in the fall of 1972. Before that time after he was released from prison he killed a person called Cary Whitesell who had at one time stolen $200.00 from his father, this took place at Four Mile Creek on the outskirts of Hamilton, he shot him with a 22 pistol and threw his body in the creek. He killed six other persons during this time, one in Covenington, Ky, a Don Anderson in Newport, Ky and four others all of whom had done something wrong to his father.

He stated that he had attended rituals in the Satanic Cult consisting of human sacrifices, two in Salt Lake, 2 or 3 in Ogden, Utah, two or three in Tulsa and two or three in Beaver, Utah, these persons were killed by priests of the Order but he was in attendance.

Regarding his work in drug traffic. He said that after his first trip to Indianapolis and Utah, he made trips for Acon Auto Transport Agency to a Harry Schaffer and a Glen Richards. He said that he received personal instructions from each man he worked for in drug traffic.

Mr. Remaklus asked if theses are just names as they are all lumped together, he dosen't know who people are, foundation must be laid.

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 970

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975

(CONTINUED)

Mr. Robinson stated that this was at the time defendant was employed running drugs and connected to the bikers group.

Defendant asked the defendant if there was any control over the bikers group on this drug traffic? Defendant said that the Nation counsel would have to agree which chapter was to do the drug running. His actions were controled by this counsel.

He said that Leroy Purtle, a man that he met in San Francisco on his first trip, was a friend who taught him to live on the streets. That Raymond Ramsey was the person who taught him how to hot wire a car. Tom Carey was one of the people he killed who kidnapped his second wife, Thomasine. He said that he met Thomasine in Oct. 1972 in San Francisco. She was a run away from home and she came by his place and stayed and they started to live together. He said that Tom Carey had offered him a job driving a car for $20.00 per day, selling watches. While he was driving for him he took Thomasine and kidnapped her, took her to Garberville, Calif. While he had her he raped her. He said that he went to the State Police after the kidnapping. He said that Tom Carey called him and told him where Thomasine was. He said that he saw him in Oakland in Feb. 1973 and that was when he killed him, by shooting him.

He said that he married Thomasine on March 3, 1975 at Portland, Oregon.

That he was supposed to have killed Paul Schrader, and he was tried for it but acquitted. He said that he was present when Paul Schrader waskilled in Tuson, Arizona. He said that Sanchez was also killed, by stabbing eleven times and cutting his throat three times. He said that he was charged with murder and tried for it, but not convicted. He said that he had contacted Paul Schrader for the the purpose of killing Sanchez. Paul Schrader was in drug traffic too. He had personally received instructions on the death of Paul Schrader from national counsel.

Jury was admonished and excused.

Mr. Remaklus objected to relevancy of this.

Mr. Robinson said that he feels this is relevancy in this, as the defendant was tried and equitted for murders of Schrader and Sanchez, and feels the results of this acquittal in Arizona valuable to results here in this trial.

The court said that it can see no relevancy.

Mr. Robinson made statment to the court.

Mr. Remaklus said that this series of events is strictly irrelevant, no bearing on this charge, just attempting to add names and flavor on a story far afield from this charge.

Mr. Robinson as a result of Paul Scharaders death events followed regarding Thomasina. There were 2 other deaths in Tuson on the basis of Schraders death.

The court said it could not understand what this trial had to do with all these facts.

Mr. Robinson said that he felt that it was very relevant.

Mr. Remaklus said that there is no explanations that goes from one death to another.

The court made statement.

Mr. Remaklus said that he didn't think that the story was going to be this prolonged.

The court stated that it understands that mental defect and mental disease but feels that this should be dealt with directly, why all these stories on killing?

Jurors were returned and admonished for lunch.

Court recessed 11:45 a.m.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975, Date

(CONTINUED)

Court reconvened 1:15 p.m.
Jurors returned and it was stipulated all were present.

Mr. Robinson continued questioning. Defendant said that shortly after he was acquitted of the murder charge in Tuson and the one in Victorville, Calif he went to Portland, Oregon with Thomasina. Thomasina was under care of psychiatrist because of what had happened to her. He returned to Tuson to find the man who had help rape Thomasina, a man called Julian Drumbrosky and waited until the man got off work and shot him withhigh power rifle. Then he went back to Portland, Oregon to be with his wife. She got out of the hospital and they stayed in Portland a little while. He was busted on a breaking and entering charge, which was later dropped. While he was in jail on that charge his wife was pushed out a fourth floow window. The officers told him this while he was in jail. He said that the names of some of the men involved in this deal of pushing her out the window.

Defendant was asked if Thomasine used narcotic and dope? He answered that she had.

Defendant after seeing the conditions of his wife in the Mental Hospital, he cut his wrists. and he was placed in the Oregon State Hospital and remained there from Apr 1974 until July 1974, he received psychiatric treatment while there, including medication and electric shock treatments. Prior to his being placed in custody in Salem, Oregon he had used drugs and narcotics so was put on a methadone program. He was asked what drugs he had used and he said heron, speed, marijuana, acid (LSD), cocain, Methadone, window pane acide.

During his custody in the Oregon State Hospital he was allowed week end passes, on one of these passes he completed a contract on Vivian Grant Robinson. This contract was from the National Counsel and was ordered because of money taken from national counsel on drug runs. After he left the hospital he went to Protland, Oregon and stayed there until August 1974. He killed JO JO a rival biker because of personal reasons of his involvment with Thomisine. He killed Joe Daga, from Seattle, Wn. which was not his true name because of involvment in death of his younger brother. Then there was a order from the national counsel which he took with his brother-in-law, Rodney Nelson, and a David Cranco was killed and his body was disposed of in a burial grounds at Beaver, Utah.

He said that during period of Sept. to Dec. 1973 he was working as assistant manager of the ElBembi Cafe, during this time he was arrested for the murder of Paul Schrader. He was making drug runds during this period of time. He also went to Old Mexico to obtain drugs, he did this in the plane owned and flown by Peter Simons. He was still filling contracts at this time. there were two people in Aurora, Colorado one in Salt Lake and a man called Red at Jackson Hole, Wyo. He also attended sacrifices outside the Satonic Temple. He said that this Red was killed bya 270 high power rifle.

He also killed Billy Dean in a church in Portland, Oregon in August 1974. He said that he was a sexton in the church there. He called a friend called Hilby and told him that he was having problems and to come over. Mr. Hilby came to the church, he had a rifle in his truck, so he took the rigle and went back upstairs and shot Billy Dean, as he was one of the persons involved when Thomasine was pushed out of the window.

Mr. Robinson asked if he had killed Sandra Jane Ramsamoog in Salem, Oregon? He said that he was present when she was killed, but will not tell who killed her.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975, Date

(CONTINUED)

He was asked if he had killed Gordon Stanton a union organizer in Las Vegas, Nevada? Defendant said that he did, that Stanton was a friend of Peter Simons and a main dealer for drugs. This was a contract from national counsel, they were in a car driving near Lathrop Wells, Nev, and he shot him three times in the head. He said that this was because Lathrop Wells was a dessert, and they pulled over there and he shot him. Stanton owed Peter Simon money on drugs.

He killed Charles Thomas Miller shortly after that time at Butte Springs, Nev.. He said that after he had kille Stanton that Miller was supposed to fulfill a contract by killing him, he found out about it and killed Mr. Miller instead.

Another person that he killed was Rick McKenzie another runner for Aeon, this was in Colorado, present at this killing was Larry (Waco) Johnson. He was shot for running drugs. Waco got the contract and started on him. He was set up and the drugs were ripped off him, he believed that he had been set up by Waco, so he also shot Waco at that time for setting up Rick McKenzie.

He was asked how he was contacted by the counsel? He said that this was through Peter Simons.

He was questioned regarding his actions in New Mexico? He said that he went there in Sept. 1974 to locate drugs, so started there, this was for the organization, he met three Mexicans there and he killed these 3 men. He described this. He was with 2 friends and met these 3 Mexicans, at a gas station, they were members of a Bandito Group, these three started Spanish and he couldn't understand them, he can't remember exactly things are blurry, but he shot the three and disposed of them by a horse corral. He was with a John Boren and a girl, who's name he won't tell.

He said that he also killed a Tom Sage, a/k/a Jerry, on Oct, 1974 in Barstow, Calif, present at this time was John Boren and 2 females. He said that Tom Sage was supposed to know where the drugs were in New Mexico. One girl also killed at that time. A girl with him shot Donna, when she fell Jerry went for his gun so he shot him and they disposed of the bodies in the Calico mine there. John Boy was killed in the same place right after Jerry. He then removed all the boidies in that area to the Blue Ridge State Park. There he killed an elderly couple, there was no order of them.

He said that he also killed Terry, who was a news broadcaster in Missoula, Mont in the fall of 1974, also Terry from Farmington, New Mexico. He doesn't know why now. Said that they were riding in a car and drinking and he grabbed him by the throat and choked him, then wrapped him in a black tarp and dumped him Lolo Creek in Montana also a Jeff Oslo, not sure who he was but it was the same time as he killed two newscastors in Missoula in Oct, 1974. There was a contract out on him, after he shot him put in Lolo Creek.

He also killed Chief (Walter Henshaw) a biker for Banditos because of his involvment with Thomasines accident.

Jury admonished.

Court recessed 2:10 p.m.

Court reconvened 2:20 p.m.

Jury returned stipulated all present.

Mr. Robinson asked him if he had killed others not described here before? He answered that he had.

He was asked if he was personally acquainted with Anton Lavey? He said he was when he joined the Satanic Cult in 1968 in San Francisco, he probably in his presence five times, 2 or 3 of these times were ast the rituals and sacrifices. There was a meeting of the priests under him, he had been ordained as Satanic Priest by Lavey San Francisco. He said that in this ceremony of ordination in the cult a priest must swear

Approved

J. Roger Robinson

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975 — Date

(CONTINUED)

allegiance to Satan and make a pact, this pact is to do his work and volunteer souls to satan. He was asked if humans were ever sacrificed at these rituals? He said that they were and Lavoy had performed these sacrifices. He was asked if he helped aid and abet in these killings? He answered that he had helped dispose of the bodies. These sacrifices took place in the temple of the Satanic Church at San Francisco, Calif. and the boidies were taken to another temple. He stated that there was a temple at the McCoy ranch and he was in attendance at sacrificial deaths there, maybe 12 or 15. He was asked who killed these people at the McCoy ranch? He said it depended on what priest was present. He was asked if the priests were connected with the bikers? He answered some of them were. He was asked if he ever acted as priest at sacrificial death ceremonies? He answered that he had at 1 in Ogden, Utah, 1 in Tulsa, Oklahoma and Wichita, Kan 1. He said that he also attended rituals in Ohio, Colorado, Missoula, Mont. and that there is a temple in Burien, Wa. and he has attended rituals there

Mr. Robinson asked how the victims are choosen?

The defendant said that on three times the priest chose the victims, these were people from the church. The reasons for performing the rituals was a duty of the priest under the Order of Lavoy. He said that the priests did not know in advance who the victims would be.

Mr. Robinson asked the defendant if he was acquainted with a Gary Hart? Defendant said that he met Gary Hart through Glenn Richards in 1972. the circumstances of this meeting was in a drug transaction and also satanic ritual. He was a senator elect in Wyoming.

Mr. Remaklus objected to this.

The court said he could see no relevancy in this if so to get to the point.

He was asked when he was apprehended at Glenns Ferry, Idaho where he was headed? He said Denver that he had a contract on Gary Hart, this was given him from Simon Peter and the national counsel. He was in Fresno, Ca. when he got the contract. He said that the reason for this contract come from Peter Simons and Glen Richards that during the campaign he campaigned against drugs, he had violated the National Counsel rules, also on the last drug transaction he had not come through with the money. He was asked if he had ever been personally present when Mr. Hart exchanged drugs for money? He said that he had been more than once. This drug transaction with people holding public offices was not just Mr. Hart, there were others. He said that he had been personally present, in July 1973 when exchanges were made at Richard Finance Co., also present was Peter Simon, Govenor John Love, John J. Gilligan, Senator Hart, a Mr. Troy and Mr. Spencer.

The court said that before going into details should be a foundation layed, not relevant as far as he could see.

Jury was admonished.

Court recessed 2:45 o'clock p.m.

Court reconvened 3:00 o'clock p.m.

Juryors were returned and it was stipulated all were present.

Mr. Robinson asked if in July 1973, if he retained any rank in the bikers. Defendant answered that he was Nationa President of the Outlaws, he was voted in at national counsel. He related his duties at that time. he said that after the drugs were brought in it was the duty ofhis chapter to deliver the drugs, these were delivered to different dealers in different states.

He was asked when he first met Tom Arnold? He said that he met him in 1974 at Grand Junction, Colorado. He said that they wanted to get into the drug traffic. He said at that time they delivered a reposses car to the bank for them. He said that Arnold and Bradford were together

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH, Defendant | Docket No. 9701 | October 6, 1975 (Date)

(CONTINUED)

in Colerado. He next spent time with Arnold and Bradford in Bend and Baker, Ore. He said that he was contacted by one of the chapters at the Pry Hotel, in Lewiston, Idaho where he and Carol Spaulding were for 4 or 5 days. They told him that Arnold and Bradford had a pound of heron and they were supposed make a drop to him at Lewiston. Their first contact was at the NezPerce Indian Reservation, this meeting was pre-arranged and Carol Spaulding was with him, also Dan and another girl. He said that they went into the house at the reservation and discussed what direction they would take. When they left Carol, Dan and other girl rode with Bradford and Arnold and he followed them in the road runner. Prior to the deaths of Arnold and Bradford they went down route 95, to Grangeville, Whitebird. They stopped at Grangeville, they were not altogether, he was alone in the road runner. The rest were in the 56 Buick. He said that he was not involved with the sale of the battery charger, in Grangeville, that Tom Arnold sold the battery charger. He said that he was still in the road runner at McCall, Idaho, he got as far as Cascade, rest didn't come so he turned around and went back. He said that he didn't stop at Cascade the first time, just long enough to turn around. He drove back to the junction, when he got there Dan, Carol and other girl was standing outside the car, the trunk was open and Bradford and Arnold was already in the ditch. He asked what was wrong, and Carol said "Oh My God they shot him. He said that he took Carol in the Buick to Cascade, the others took the Road Runner to Clarston. He said that they stopped at an old house outside of Cascade, Idaho to rest, Carol was still scared. He said that Carol wanted to call the police, but she didn't know that he was wanted by the Oregon authorities. He said after they rested he drove the car to a spot where it was found, from there they caught a ride to Boise

He was questioned regarding the pound of heron that Arnold and Bradford was supposed to have? He was asked if he ever saw the heron? He answered he had not, but was advised that they had it in their possession He was asked if he ever saw this heron transferred to someone elses possession? He said that he had not, he said that he never saw the heron at all.

Mr. Robinson asked how long they had been in Boise? He said from Nov. 4, 1974 until the day that he and Carol were arrested on Nov. 8, 1974. He told of their arrest by Mr. Hill and Officer Menzik. He was asked if he had the gun and holster in his possession at the time of his arrest? He said that he did not. He was asked if he had it prior to the arrest? He said that he had and put in Carols purse when coming down the road after they left the rest area, before they got to Glenn Ferry. He said that he first had possession of the gun and holster when they left carols mothers home. He was asked if he took the gun from Carols mothers house? He said that he had not, that Carol had. He got rid of the gun at the Nez Perce Indian Reservation, he gave it to Carol but he thinks she gave to Dan. While he was in the Road Runner he had no weapon with him. He took the gun again from Dan at the site of the killings and kept the gun until Nov. 8, 1974, unless they were hitch-hiking, at which times Carol had it in her purse.

Mr. Robinson asked that when he was arrested and taken to Glenns Ferry jail had he prior to that arrest taken any drugs or smoked any marijuana? He said that he had taken three hits of window pane (acid) and all three of them, Mr. Rivers, Carol and himself had some marijuana which they smoked.

Defendant was asked what happened after they were taken to the police station at Glenns Ferry, Idaho? He said that when he was taken out of the Rivers car he gave the identification of Joe Carl Adams, he later told them at the police station that his name was Tom Turner, he had this

Approved: J. Ray Durtschi, District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | ~~October 6, 1976~~ Date

(CONTINUED)

identification in the name of Tom Turner belonging to a cousin of his who lives in Jackson, Ky..

He was asked if he remebered the trip from Glenns Ferry to Mountain Home? He said that he remembered first being shuffled around from department to department.

He was asked if he had discussed this murder with Carol? He said one when they were staying at Jim Marsh's house and in the back seat of the police car. He said that he saw the description of the suspects in the Nov. 7th, 1974 paper.

He was questioned about the questioning by police officer after his arrest arrest? He said that there was a session with Mr. Hill, Mr. Woodall, Mr. Maxwell, most of the time he was hand-cuffed to an officer. He does not remember much about the questioning as he was freaked out on acid. He said that the deputies came back in regards to his confession and statement that he had killed Arnold and Bradford. He was asked if he felt he had given that statement? He said that he probably did but that he couldn't remember what he said. He remembers signing exhibit #55, he guessed as it was his signature, but not sure when the statment was made.

Jury was admonished.

Court recessed 3:37 o'clock p.m.

Court reconvened 3:50 o'clock p.m.

Jury was returned and it was stipulated all were present.

Mr. Robinson continued to question the defendant? He asked him if he had examined the signature on exhibit #56 and read the statement. He said that he had read it and it was his signature. He asked him if he made a statement on Nov. 8, 1974? Defendant answered that he had.

Mr. Robinson said that he would withdraw his objections to the exeluded parts of the statement and requested that all of the statement be admitted into evidence.

There was no objections by the State.

The court said that exhibit #55 and exhibit #56 will be admitted for all purposes.

Mr. Robinson asked the defendantif he killed Mr. Arnold and Mr. Bradford? Defendant answered that he had not. He said that he was told by Mr. Freeman if he made the statement that Carol would go free.

He made the statement for Carol, Dan and the other girl to protect them. He had a contract out on him anyway and he was tired of his involvment in drugs and the killings. He knew that he was wanted in Portland and Salem, Oregon. He is on the ten most wanted list of the FBI.

He was asked regarding his transportation from Glenns Ferry to Mountain Home and back on Nov. 8, 1974, he said that he does not remember all of it. He was asked if he commented when they passed mile post #94. He said that he may have commented about leaving the car there when they went by. He was asked how long he stayed in Valley County? He said that he was arraigned the day after his arrest and then taken to Ada County and was in the custody of Sheriff Palmer. He said that he was appointed counse a Mr. Ward Hower.

He said that he remembers being questioned about the death of Billy Dean in Portland, Oregon but he is not sure that he admitting killing him, nor is he sure that he said anything in regards to Jane Ramsamoog in Salem, Oregon. He said that his counselor advised him that he should talk to the Portland Officers if he knew anything. He stated that after he was incarcerated at Boise, Idaho he talked to Mr. Mason regarding the Stanton murder in Nev., and they found that body. After that he started talking about everything to Sheriff Palmer and officers from other states, about everything.

Approved:

J. Ray Bartlett

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant | Docket No. 9701 | Oct. 6, 1975 Date

(CONTINUED)

On the first occasion that he left the State of Idaho, was to assist and aid in finding a body, he was with Sheriff Palmer, Sgt. Taylor, this trip was to Wyoming to search for Rick McKenzie and Waco. The bodies were not found.

He then went with Mr. Mason to New Mexico. He said that on this occasion he lied to him about the bodies of the three Mexicans, didn't tell him the right location.

He was asked if he had an attorney at this time? He said that he did not.

One trip that he was on was to Missoula, Mont, with Sheriff Palmer and Sgt. Taylor. They met the Montana officers there regarding the body of a newscastor, who's body had been found before, then to talk about two other bodies that he claimed to have killed. The other two bodies were not found.

They next went to Barstow, California. On this trip was Mr. Mason, Sgt. Taylor. This trip was to the Calico Ghost Mine to try and locate bodies of Donna nd John Boy. This trip was not successful either because he had lied again to the officers. The reason that he had lied was that he wanted to get to the mine as he felt that his mother and step father had been killed and put in this mine, and he wanted to bring his mothers body out himself. He said that he looked in the mine shaft for his mother, didn't find anything.

He was asked why his mother and step father would have been presumed to be in the mine?

The defendant said that the reason he had gone to Kentucky, with Carol Spaulding was to liik for his mother. He said that his grandparents, aunts and uncles were there but he could not locate his mother or step-father at all. After his trip to Ky. they came directly to Lewiston, he said that they came in a Gremlin, this was stolen from a man, he drove this car to Orofinio and shoved it into a park and got a ride into Lewiston, Ida. with some woman.

He was asked about the trip into Calif. and the plane crash? He said that after the plane had settled down and everything was over he had a conversation with Mr. Palmer and Mr. Mason and Sgt. Taylor, but does not remember what was said. He said that he was badly shaken up and any thing he said was spontaneous, he just doesn't remember anything that he said.

He wasasked again if he illed Arnold and Bradford? He said that he did not.

Mr. Robinson asked him if he had reduced to writing on Mar. 8, 1975 the testimony of his lifes history and the events just testified to?

Mr. Creech said that he wrote a manuscript but it is not like the testimony here today, this manuscript was written because he wanted everyone to know just what had happened. This was delivered to Ken Mathew, Mr. Palmer and Mr. Mason. This was partially typed and the writing was his in the reminder of the script. He said that the reason he wanted everyone to know about this, was that all Satino Cults shold be stopped, that all the killings are wrong. He wanted to help other people so they wouldn't follow the same path as he had. He said that during his incarceration he has tried to write many poems. In these poems he related to the killings and the circumstances testified to until this time.

Mr. Robinson asked for a recess so that he might consult with his client, before ending the direct examination.

The jury was admonished and excused.

Court recessed 4:15 o'clock p.m.

Approved: J. Ray [illegible]

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH, Defendant — Docket No. 9701 — Oct. 6, 1975, Boise

(CONTINUED)

TENTH DAY

Two Hundredth Judicial Day
Oct. 17, 1975
9:30 a.m.
Present as before

Mr. Robinson continued to direct examine Mr. Creech. He asked him if during the three or four days that he was in Lewiston, Idaho, prior to Nov. 4, 1974, if he used the phone at the hotel or Mrs. Spauldings? He said that he had that he had called his mother, sister and Peter Simson the Fresno Chapter.

He was asked about his meeting with Carol Spaulding? Defendant said that he first met Carol Spaulding on Sept. 19, 1974 in Fresno, Calif. she was working at the same carnival that he was. Mr. Robinson asked if Carol was what is referred to as his "Old Lady"? Mr. Creech said that at the time that he first met her she was living with someone else, but that they have lived together now. He was asked about his tattoos? He said that he has one on his right hand, a snake and cross, also a cross on his forehead, which is a mark of death. Mr. Robinson asked him about the bikers clubs that he belonged to. He said that he attained the rank of Enforcer nationally and rank of eighth.

Defendant's Exhibit I (Satanic Bible-pocket book) marked, identified and offered

Objection by Mr. Remaklus.

Mr. Robinson questioned Mr. Creeck on exhibit? He asked if the book contained doctrine followed in the Satanic Cult? He answered that it did, that the documents are responsible for many of the activities.

Mr. Robinson re-offered exhibit I.

Objection by Mr. Remaklus.

Court sustained.

Mr. Robinson asked if since his incarceration in Ada County Jail, how many visitors from different faiths have visited him? Defendant answered there had been. He said that he used to be a member of the Satanic Cult, now is undecided between God and Satan.

He was asked if at any other time he had ever been placed under oath regarding this trial or charge against him? He said that he had been at the arraignment proceedings. That prior to the trial set on May 20, 1974 he had submitted to many sessions of questioning propounded by officers both Idaho and out of State Officers. Some of these tests were under drugs and one was polygraph tests. He voluntarily submitted to a session by hypnosis.

Mr. Robinson said that was the end of his questioning.

Mr. Remaklus cross examined the defendant. He asked him who was the first person he killed? He said that this was Danny Johnson and he was 16 or 17 years old at the time. He described Danny as being a sissy, no class, no heart or queer. He drowned Danny because he killed his girl friend Sandy Scott. After that he took off on a sight seeing trip towards California. He said that he had trouble in San Francisco. He was asked about his acquaintance with Freddy Richardson? He said that he was shot in Portland, Oregon. He was asked about Gene Hillby? The Defendant pointed him out in the courtroom, said that he knew him before he was in Portland. Mr. Remaklus asked him when his daughter, Cricket was born? He said Sept. 22, 1968. He asked where she was now? The Defendant said that she is with her mother, they were in Brentwood, Cal. don't know where she is now. He had a l[illegible]tter while in Ada Co..

Approved: J. Ray Durtschi, District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1976 Date

(CONTINUED)

Mr. Remaklus asked him if he had written a letter to Miss Plowmand, about [illegible]aughter Crickets kidnapping? He answered that he had, he asked her for $5000.00, but never got any maoney from her. He said that he told his attorney the same thing and got $1000.00 from him.

Jury was admonished and excused.

Mr. Remaklus made an Offer of Proof, he said that he will show that the sum of $1000.00 was given the defendant, at the request of the defendant, this money was given to defendants brother, who brought an auto and then left the area.

Mr. Robinson objected to this, he said that it is a violation of client-attorney relationship.

The court sustained this objection

Jury was returned and it was stipulated all present.

Mr. Remaklus continued examination of Mr. Creech to the number of killings he had testified to and if they had been done for money? Mr. Creech said that some of them had been. He said that the killings ordered by the National Counsel, he had no control over. He was asked how many were ordered by National Counsel. He was asked about Leroy Fields? Defendant said that he was not dead. Mr. Remaklus asked him about the five in Dayton, Ohio. He answered that there was no money connected with these killings, but he gained the rank of Chief Enforcer for those. Mr. Remaklus asked him about other contracts. Defendant said that in Ohio, Ski there was no contract, that Carey Whitesell, was not for money nor on a contract, after that there were six others in Ky.. Donald Anderson was not for money, he was one of the persons that had done something to his father, and there were four others that he wasted that had done soemthing to his father. Tom Carey was no money, Paul Schrader of Arizona he was paid money for information $1500.00, not the killing.

Mr. Remaklus asked if he had ever made a statement saying he had received $10,000.00 to seek out Paul Schrader? He said that he had.

Plaintiff's Exhibit No. 65 (statement) marked, identified, offered and admitted.

Mr. Remaklus asked if instead of $10,000.00 if he only received $1,500.00? He said that this was true.

Defendant said that after Arizona he Sanchez, this was not a contract and was not for money. He said that there were two men in Tuson that had raped his wife, Thomasine, there was no money involved for those. He said that there was a Vivian Grant Robinson that was for a contract and he was paid for this. In Aug. 1974 there was JO JO who was a rival biker, there was no contract nor money for him. He said that JOjo was a deaf mute. In Seattle, Wn. there was a Joe Dega there was a contract, but this was also for personal reasons. There was also a David Granco, who was shot in the leg when he was in Seattle, Wn, later killed and put in burial grounds at Beaver, Utah, there was no money for this. He said that he received money in Mexico, Salt Lake City and Aurona, Colorado killings, not sure how much. He was asked about Red at a dude ranch? He said that this killing was ordered by national counsel, but he did it for personal reasons, no money. Waco was personal reason, not contract. Billy Dean in Portland, Ore. was not a contract.

He was asked if he had started writing manuscript of life story? He said that he had. He was writing this to help others, he was asked if all of it was correct? he said it was not

Approved:

J. Roger Robinson

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

Mr. Remaklus asked the defendant if he killed Billy Dean in Portland in Aug. of 1974? He said that he had. He was then asked if he had not gone on to Salem, Ore and killed Jane Ramsamoog? He said that he was in Salem, but had not killed her, he knew who did, but will not say. He was present at the time Mrs. Ramsamoog was killed, this was in the store room of a grocery store, the store was being robbed at the same time. There was another person, but he won't tell who it was.

Defendant was asked if Linda Crandall was with him in Salem, Ore? He said that she was.

He was questioned about the killing of Gordon Stanton, in Las Vegas? Defendant said that he was a union organizer, and this was a contract killing, he was paid for it, he didn't remember how much. He was asked if he hadn't told Mr. Mason and Mr. Palmer that Gordon Stanton was going to Montana to have open court surgery, and that he had bummed a ride with him, as he wanted to go west, that both of them had become intoxicated and had been stopped by the State Police in Nevada? He said that he had not told them this. That he was supposed to kill Stanton so he did this by shooting him three times.

Defendant said that he kiled a Charles Peter Miller, he had heard that this man was supposed to kill him, as Peter Simon was lossing confidence in him. So he killed this Miller.

He was asked if he knew someone called Jenny? He said that he did, first met her in Beaver, Utah, at the time of Charles Peter Millers death. She was present at this killing. Mr. Remaklus asked if it had been her that lured him into the Blue Diamond Mine? He refused to answer this.

Defendant said that the killing of Rick McKenzie was a contract, but no money for it. He said that he shot Waco at the same time he shot Rick, about 100 yards down the road, this was in Wyoming, about 20 miles from Banks.

He testified that he killed 3 Mexicans in New Mexico, this was not on a contract or for money. He said that these three bodies were some that Bud Mason went to look for with him, but found nothing.

Jury was admonished and excused.

Court recessed 10:30 a.m.

Court reconvened 10:43 a.m.

Jury returned, and it was stipulated all present.

Mr. Remaklus questioned the defendant regarding a Tom Sage in Oct. 1974 at Barstow, Calif?

Plaintiffs Exhibit No. 66 (photo) marked, identified, offered and admitted.

He was questioned regaring the killing of "John Boy"? He said that he did this, but got no money for this.

Defendant testified that he killed three men in Montana, there were no contracts on them, their names were Jeff Oslo, Walter Curtshaw a person called Carey and then there was a newcomer called Terry, who was the first one he killed in Montana. There wer no contract on any of these men.

He was asked if he had talked to a detective, William Scorzano, and told him about 100 bodies buried at the McCoy Ranch? The defendant said that he had talked to him, but there was not that many bodies.

Plaintiff's Exhibit #67 (letter) marked, identified, offered and admitted.

Mr. Remaklus asked if the letter stated that the organization was holding his wife and daughter? He answered it did.

Mr. Remaklus then questioned him about Nov. 3, 1974. He said that he was in Lewiston with Carol Spaulding, they left Lewiston and met Arnold and Bradford, by the Nez Perce Indian Reservation. [illegible] he met

Approved:

J. Ryan Bartsch

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

Arnold and Bradford he was driving a '69 road runner, that he stopped and talked to the two men, but did not get in the car with them, that they were driving. He continued to testify that they left the Indian Reservation about 6:00 or 6:30 p.m. and drove to Grangeville. In Grangeville Bradfor, Arnold, Carol Spaulding, Dan and another female stopped to get gas and beer. He was asked how many beer he had, and he said he didn't remember. He was asked who sold the coat to buy the beer there? He answered that he didn't know. He said that as far as he knew the coat was sold in Whitebird, after the battery charger was sold. They then drove through McCall, Ida to Cascade and then he found out that the other car with Arnold, Bradford, Carol, Dan and other girl was not with him, so he was alone in the road runner and he turned around and went back to the death scene. He said that the bodies had already been removed from the car by the time that he got back there. He was asked how long he was at the scene where the men were killed? Defendant answered that he did not remember, but when he left, he and Carol Spaulding left in the green Buick and Dan, and the other girl left in the road runner. He was asked where the they went and who the other girl was? He said that he wouldn't answer that question.

Mr. Remaklus asked that the court instruct the witness to answer the question?

The court said that the defendant would answer the question.

Mr. Remaklus asked the defendant who Kathy Spaulding was? The defendant answered that she was a sister of Carol Spaulding, age 16.

Defendant was asked what he did when he left the death scene? He said that he and Carol drove the green Buick and headed South, that he let the others have the road runner. He said that the road runner was a hot car, that he took from Lewiston the day that he and Carol left Lewiston. That Dan took this car and he and Kathy went back to Clarkston in it. He was asked if he had stopped at McCall before going past the death scene? He said that he didn't know. He was asked if it was dark when he left Grangeville? He answered it was. Was it dark when he left the death scene? he said that it was. He was asked how long they were at the death scene? He said that he did not know. After they left they stopped at Cascade for about one-half hour, wanted to rest, but only stayed a few minutes then went on to Cougar Mountain Lodge, and rested there, it was day light when they left there. Carol and he headed for Boise, there they met Jim Marsh. He was asked if he and Marsh robbed a 7-11 store in Boise? He said that they had and that is where State's Exhibit #22, the gun was used by him. That is where a man called, Joe Carl Adams was the clerk and robbed, he took his identification, the same he used at Glenns Ferry when arrested.

He was questioned next how he traveled to Glenn Ferry? He said that they rode into Gelemns Ferry with Stevn Paul Winters, who picked them up on the interstate. He said that he remembers Mr. Rivers and Carol going in a cafe for coffee and recalls being stopped by the officers, they were taken to the police station where he talked to Officer Freeman, they were then transported by officers to Mountain Home. He and Carol rode in the back seat of the police car on the way to Mountain Home. After they arrived at Mountain Home he met investigator Woodall.

He was asked if he made a voluntary statment there? He said that he had. This statement was made in the presence of Mr. Woodall, Mr. Maxwell and Mr. Hill was there part time.

He was asked if his rights had been given him? He said they had been read to him, but he does not remember signing these.

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) ~~Oct. 6, 1975~~ Date

(CONTINUED)

Mr. Remaklus asked him regarding plaintiff's exhibit 56, if when Mr. Woodall said that he was investigating a double murder, if he answered in response to this, "I did it, I did it? Defendant answered that he had. He was asked if this was written down, what he said? The defendant said that he had. He was asked if these were his initials on exhibit #56? He said that they were. Mr. Remaklus asked that after Mr. Woodall had written down the statement of defendants, if they had not gone over it together, and where the lines were drawn if he had initialed them? He said that he was not sure. He was asked if that was his initials after line two, saying "I need help"? He said that it was. He was asked if that was his signature at the bottom of each page? He said that he thought that it was, as he writes like that sometimes. He was also asked if he was told to make any corrections, he felt necessary in the statement? He said that he was. After a sentence "I shot Wayne,(where Wayne was marked out and Tom written in), also where it reads "Wayne had a knife and came at me so I shot him 3 times" was his initials after this line? He said that they were. Mr. Remaklus said as a matter of fact, you and Carol shot Tom Arnold one time, and Wayne raised up in the back seat and he was shot three times? The Defendant said that this was not true, he didn't shoot either of them.

Defendant was asked if it was his signature appearing on the bottom of pages 3, 4, 5, 6 and 7. He said that it was.

Jury was admonished and excused.

Court recessed 11:30 a.m.

Court reconvened at 11:40 a.m.

Jury returned and it was stipulated all were present.

Mr. Remaklus continued to question the defendant regarding the plane crash? Defendant said that he couldn't remember much about it.

State's Exhibit No. 68(Poem) marked, identified, offered and admitted.

Defendant was questioned regarding a letter to Gene Hillbee, after this trial started? He said that he did write the letter, but it was not to influence the testimony of Mr. Hillbee.

State's Exhibit No. 69 (lett) marked, identified, offered and admitted.

Mr. Remaklus asked him about the letter that he wrote to Carol Spaulding? Defendant said that he wrote the letter, but he didn't ask her to lie for him, but to come forth with the truth. He wanted to know why she told, that he was going to shoot her if she ran away from the car when the two men were shot. He didn't ask her to say that Dan and the other girl shot the two men, Bradford and Arnold, but to tell what really happened.

Mr. Robinson re-direct examined the defendant. He said that in regards to Paul Schrader killing, how much money did he receive? Defendant said that the total contract was for $10,000.00, but he only received $1,5000.00, this was paid by Peter Simon. He was asked what would happen if he failed to complete a contract? He answered that his colors would be taken away and a contract would have been put out on him.

Witness excused.

Mr. Schrieber was called, and direct examined by Mr. Robinson. He was asked if he previously testified that during the 4 or 5 days that defendant was in the Spaulding house with Carol, there were phone calls and how many? Witness answered that there were a couple, made by the defendant, he was not sure. He was not even sure of the exact number of days they were at the house. He was asked how long a time had it been

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs

THOMAS EUGENE CREECH, Defendant | October 6, 1976 Date

(CONTINUED)

prior to discovering the loss of the gun and holster (exhibits #22 and #23) that he had checked it before? He said that he had seen it that morning, when he was checking the money that was also under the mattress that was on Nov. 2nd or 3rd, he can't quite remember the day now. He was asked if Carol had changed her clothing in his room on Nov. 3, 1974? He said he didn't know, he didn't see her.

He was asked about the relationship between Mrs. Spaulding and Kathy, her daughter, was she having a great deal of difficultu and was Kathy on drugs. He said that he didn't really know as he never saw anything, and he has never seen her take any drugs or smoke drugs.

He was asked if before Sept. 1974, if Carol Spaulding had came to the Spaulding home with Gene? He said that once she left with a Gene, they came in a car, and it broke down, so they left with pack sacks on their backs.

Mr. Remsklus asked who Gene was? Mr. Schrieber said that he didn't know. He came again with another fellow after this trouble started.

Jury was admonished and excused for lunch.

Court recessed 11:55 a.m.

Court reconvened 1:30 p.m.

Jury returned, it was stipulated all present.

James Maxwell, previously sworn was called and examined by Mr. Robinson. He was asked when he was first assigned chief investigator for this case? He said at the scene of the murder. He later went to Mountain Home on Nov. 8, 1974. after the defendant and Miss Spaulding had been apprehended. He was asked how long he was with officer Woodall and the defendant? He said that he was with them from about 2:00 p.m until 4:00 p.m., before that he was with Miss Spaulding questioning her. He was not present when the defendant made statement, but was present when his signature was applied to the statement, and just at the beginning of the making of the statement when he said "I did it, I did it". He said that the defendant was near tears and nervous at this time.

He was asked if he had made any discovery about the Buick being in New Meadows with four people in it? He answered that he had, that he had contacted the owners of the car and found out that five people had been there, but were not the five people connected with this matter. This was verified.

Mr. Robinson asked if in the course of his investigation did he check out the whereabouts of the road runner, or did he know one was involved until this trial? He said that he learned about it during his investigation.

Officer Maxwell was excused.

Bud Meeks, previously sworn was recalled and examined by Mr. Robinson. He was asked when he first came into contact with the defendant? He said that this was on Nov. 8, 1974, at Mountain Home, Idaho. He said that he helped with the investigation and helped transport the defendant along with Carol Spaulding to Cascade, Idaho. He said that he talked with the defendant on the way from Mountain Home to Cascade, Idaho. He said that the defendant had been given his miranda warning before this questioning. He said that while he was talking to defendant on the way back to Cascade, defendant told him that the fellow in the back seat threatened him with a knife, so he shot him. He also said that he killed Gordy (Gordon Stanton) in Nevada. He said that this was not the first time he had heard of Gordon Stanton. Before he had received a phonecall from Stantons mother, looking

Approved:

J. Ray Christensen
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

for him, as he was enroute to be with her while she had open heart surgery. She saw his picture on Tv, and called the State Police in Boise, Idaho. The Defendant was supposed to have been the last person seen with Stanton, so he asked him about it. Defendant told him that he had been introduced to Stanton through Ernie Small. Mr. Robinson asked if he had questioned the defendant of the location of Stantons body? He said that he had. Mr. Robinson then asked him how long was it before they checked the matter out? He said three days later and that a body had been located. He was asked if there was any other conversations regarding killings? He said there was not. He said that he had contacted the defendant many times while he was in Ada County Jail, regarding out of state killings. The next out of state matter was in Oregon, and through information two bodies were found. He asked if any other bodies located through information from defendant? He said that there was not. He said that his first trip out of state with the defendant to locate body was to Albequeque, New Mexico in Feb. 25, 1975. This was to search for three Mexican he alleged to have killed. No bodies were found. The next trip was from Boise to Calif. this was not successful either. He was asked if he ever went to Wyoming or Montana with deft.? He said that he had not. Mr. Robinson asked if while they were in New Mexico if any positive identification had been made of defendant? Mr. Mason said that the owner of a horse corrall, who saw defendant pushing his bike on the highway above his place. He said that the trip to Barstow, Calif was the last trip. That following the plane crash it was necessary for them to spend the night in Nevada. He said that he and the defendant, Creech stayed in a motel, the defendant was hand cuffed and shackled. He said that the defendant was in the presence of Sheriff Palmer, Sgt. Taylor, and himself when any conversations about being in the Nevada jail took place. He had said at that time that he was afraid to be placed in the Nevada jail, as he would never get out of Nevada.

Mr. Robinson asked if any other search for any other bodies was made by not going out of the state? Mr. Mason said that many such searchs were conducted.

Mr. Robinson asked how many bodies were found through information given by defendant? Mr. Mason said that 2 at Donnelly, Ida, 1 Nev., 2 in Ore.. He was asked how many bodies in Calif? Mr. Mason said none.

Mr. Remaklus examined Mr. Mason? He asked if the two bodies at Donnelly, Ida, was Bradford and Arnold, the bodies in Oregon were William Dean and Jame Ramsmoog?

Mr. Mason said that they were.

It was stipulated that Mr. Mason could be excused.

Charles Palmer, previously sworn was recalled to the stand and examined by Mr. Robinson, Sheriff of Ada County. He related upon questioning that he received the defendant into his custody on the first part of Nov., 1974. After he was brought to the Ada County Jail, they began having problems with the defendant, at one time he went to the jail and the defendant was laying on the floor, apparently in a seizure of some kind. He observed the officers trying to talk to him but they were having problems doing so. He said that he went up to the defendant and told him to snap, he want[illegible] to talk to him, so he did. Mr. Robinson asked if the defendant inflicted any injury to himself at that time? He said he did not. He was asked if the defendant was interrigated on out of state involvments about a week after this seizure, and then went with Bud Mason somewhere? He said that there was an interview and this was taped somewhere, there were also video tapes on two different occassions. The first authorized out of state trip with the defendant to identify location of bodies was to Bags, Wyo., the body of Rick McKenzie was located there, present on this trip was defendant, Mr.

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant | Oct. 6, 1976 Date

(CONTINUED)

Taylor, the ~~pilot~~ pilot, some Wyoming officers and himself. He said that they tried to locate another body, that of Waco, but didn't find anything. He was asked if he was on the trip with Mason and the defendant to Albequeque? He said that he authorized the trip, and went with them. He also went on the trips to Montana, but never located any bodies. He was asked if any bodies had been located prior to their trip to Montana? He said that there was a body found, but not enough evidence to connect and file a complaint against the defendant. He was also on the trip to California when the plane crashed. After the crash he stayed alnight with Mr. Taylor and the defendant. He said that the defendant was concerned about being in Nevada jail so the decided to keep in a motel room. He was hand-cuffed, face down on the bed. Mr. Robinson asked if any of the information given to them by defendant had resolved any deaths o·t of state, in Calif.? He said that there was a Vivian Grant Robinson, there were others talked about but not verified. He was questioned about killings in Arizona? Mr. Palmer said that he was tried for Paul Schrader, and have two more deaths being verified, a Charles Miller in Nevada and a Gordon Stanton. In Oregon he has no knowledge except for the one in Portland and one in Salem. He has no knowledge of any in Wash. or Mont., there was Rick McKenzie in Wyoming, none in Utah and none in Colorado to the best of his knowledge. He described the efforts in Kentucky and Ohio by officers to locate bodies from information given them by defendant. He said that different tests had been given defendant such as sodium pentothol, polygraph and hypnosis. Mr. Robinson asked if the defendant had ever advised him of his totla involvment in the Satanic Cult? He said that he had, and that he had asked for a satanic bible. Mr. Robinson asked if the defendant was ever freaked out over claiming the devil was working on him? Sheriff Palmer said that he observed the defendant in the solitary cell, he claimed that blood was running through the cell, but this was merely faked on the part of defendant. He asked the witness if the defendant ever advised him that he witnessed satanic cult deaths? Mr. Palmer said defendant had mentioned this. He said that defendant said that sacrifices had been in Montana, Seattle, Wn., San Diego, Ca, Utah. He said that searches had been made of thise areas described by the defendant, but nothing found in the way of burial grounds. He was asked if any picutes of a satanic cult was found in any of the areas? He said that there had been, but no burial grounds found.

Jury admonished.

Court recessed 2:25 p.m.

Court reconvened 2:47 p.m.

Jurors returned and it was stipulated all present.

Mr. Thomas examined Mr. Palmer. He asked if the defendant had ever admitting given the authorities false leads? He said that he had admitted to this. As one example, he went to California and on this chase it was just a way to get out of jail, also to the Calico Mine area in Calif., no boidies were ever found there. The defendant kept changing his story, in fact the information given by defendant turned out to be false.

Mr. Robinson asked if the defendant would be considered a hostile witness? Mr. Palmer ansered No.

Mr. Thomas asked Sheriff Palmer why they kept looking when they received information from defendant and they knew he didn't always tell them the truth? He said that the defendant was very convencing. He was asked regarding State's Exhibit #67, which was brought to the defendant by a minister, Lynn Plowman.

Mr. Thomas asked if the defendant ever discussed the killing of

Approved:

J. Boyce Bartlett

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

Bradford or Arnold with him? Sheriff Palmer said that when they were in the detective annex, prior to the trip to Calif. present was a Mr. Dykes, Lt. Mann, defendant and himself, the defendant did make a statement regarding Bradford and Arnold. The best reference to this would be to refer to Plaintiff's Exhibit #49, and read the transcript.

Mr. Thomas asked if at the time of this statement that was taped, ex. #49, was the defendant given his rights first? He said that he was. Defendant had a counsel appointed to represent him at that time, but he was not present at this statement, as the defendant requested that he not be called.

Mr. Robinson re-direct examined Sheriff Palmer. He asked him to describe the trip to the Calico Mine, In Calif.. Mr. Palmer said that in that area there were many mines, the local officers were present. He described the area. He also said that the area there was not strange to the defendant, but no bodies were located as was indicated by the defendant in his information to the authorities. He was asked if the defendant has changed this information? Mr. Palmer said that the reasons that the defendant gave for going to the mine, was that he felt his mother was in one of these mines, that he had held this back as he felt he might need a kicker some other time. He said that several searches were made of that area after they left, don't know anything about them. He said that there is a man guarding the mine, but he understood that it was this mans own mine.

It was stipulated by both parties that the witness could be excused.

Mr. Robinson advised the court that he was having difficulty in getting Dr. Heyrend here, as he was unable to arrange his schedule, but will be available tomorrow. If the State desires to put on any rebuttal at this time, out of order, there is no objections by defense counsel.

The court asked Mr. Thomas if they wished to proceed on rebuttal at this time?

Mr. Thomas answered he was ready.

The court explained this change in proceedure to the jury.

Gene Alvin Hilby, 117 Kelso Drive, Kelso, Wn. was called, sworn and direct examined by Mr. Thomas. He said that he was 27 years of age. He was asked if he had ever been convicted of a felony? Mr. Hilby said that he was convicted of possession of marijuana in 1970 and again in 1974 for hindering prosecution. He was asked if he had ever seen the defendant before? He said that he had, he first met the defendant early in Aug. 1974 at his house in Portland, Oregon. He described this meeting. He said that Linda Crandall brought the defendant by and introduced him. He said that they watched TV, had a couple of beers, they had a brief conversation, maybe there a couple hours, and he and Linda left. Then about two days later, about 2:30 a.m. the phone rang and Linda, who lived with them, came up and said that Mr. Creech was on the phone and in trouble. She told him that Creech was at this the church, where he was supposed to be a sexton, and he was hurt, that some bikers had stabbed him, and he needed to go to the hospital. He said that he took the first aid box and went to the church, in his truck, this took about 10 to 15 minutes. He arrived at the church and parked the truck, this was the St. Marks Episcopal Church. He said that the defendant, Tom Creech, came up to the truck. He asked to see where he was hurt, and he showed him some marks on his side and his stomach, looked like a scratch about 1 1/2 in. long, there was no blood and he saw no one else. Creech asked for some type of weapon, as there were three bikers in the church. He gave him a rifle out of the back of the truck. He wanted him to go with him into church and help bring out

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct. 6, 1975 Date

(CONTINUED)

the men. He told him he wasn't going into the church. Tom Creech told him to wait outside, so he went around to the front of the church and walked back and forth. The defendant went up a flight of stairs into the church. He said that he noticed two men across of the church with their heads hung out of windows, so he walked around into the court yeard. He heard the gun go off and saw a flash of light. This scared him so he got back in the truck and left going about three blocks down the street. He sat there and waited for the defendant to come out of the church. He did come out and came over to the truck, with the rifle under his arm. The defendant got into the truck and told him that he had just killed someone, he showed no emotions or fear. He wanted to go back into the church and get the other two guys. They went into the church, upstairs and turned left into a room, there was a man sitting on the couch, he had a red mark on his chest. He asked Creech if the man was dead, and he told him he was. He wanted to move the body to the river, and argued with him about this. He said he just wanted to leave the church. Mr. Creech went in to a room and got a blanket, then wrapped the body in it, he then helped Creech take the body to Creech's room, he locked the door and they went to search the rest of the church, as he said there were still two men in the church. He said that he saw no one else and no other gun. He was told that the dead man was William James Dean 22 years old. He told him how he came to church told him about a Freddie Richardson who had a suit case at the bus depot, he wanted to go to the depot and get this suit case as there was money in it. This Freddy was supposed to have ripped him off. They (he and Creech) went to the bus depot and picked up a suitcase and they got back into the truck. Creech talked about making up some sort of a story, that this guy had gone for a gun so he shot him. After they got out on the freeway Creech went through the bag looking for something, then threw the suit case out the window. He said that the defendant told him how freaked out he was, that he didn't know what to do. They went to his house. He said that Creech went into the bathroom and he told Linda that he didn't want him hanging around there. Creech came out and told him if he told anyone about this trouble that he would be sorry. He told that he was told to take the gun and throw in the river. He didn't do this, he wrapped in a coat and left it with another person. He went to stay somewhere else after he left the house as he didn't want to get into an argument with the defendant. The next time that he saw the defendant was two nights later. He and Linda Crandall came over to the house where he was staying, this was on a Friday night, Aug. 1974. He said that he talked to the defendant and Linda, Creech wanted him to help him move the body. He told him to go get a rope and pistol. In order to get rid of the defendant he told him to go off and he would meet him. Next day he went to the police, he told him what he knew and that Creech was at the church. He said that he had not told anyone else about this before going to the police station. ~~Mr. Robinson asks~~ He was asked how much time he had spent with the defendant? He answered a total of about 4 hours all together. The last time he saw the defendant before today was that Friday night that he came to the house to talk to him. He said that he spent four months in jail on a hindering charge related to this case.
State's Exhibit #69 was identified. He stated that he had been frightened about coming here to testify.

Jury was admonished.
Court recessed 3:35 p.m.
Court reconvened 3:50 p.m.
Jury was returned and it was stipulated all were present.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

Mr. Robinson cross examined the witness. He asked if his testimony to the Portland, Oregon police was the same as given here? He said that it was. He asked if he had read the transcript here last night, and how many other stories or versions had he given before that time? He said just the one. Mr. Robisnon questioned him regarding his wife Becky. He was asked where he was born? Witness said in Feb. 1948 at Portland, Oregon. He was raised around that area, attended school. He went in the service in 1965 and served two years. When he got out of the navy he worked in machine shops, as a salesman, both clothing books and selling vacuums. He was married in 1967, and have one child born Dec. 1968. Mr. Robinson asked if he was ever a member of a bikers organization? He said that he had never riden with any bikers. He said at the time he met the defendant he was logging. The only time he had met defendant was 2 or 3 days before the killing of Billy Dean, and this was at his home. He said that Linda Crandall was a friend of his wife and his, that they met her through mutual frienss, and that she roomed with them. He related what happened the night he was called to the church by Creech. He said that after they left the church and went back to his place, he left because he didn't want to argue with defendant. He didn't make any attempt at first to contact the police or anyone, as he was frightened as to what might happen. He said that he had never seen Billy Dean before that night in the church. He was not present when he was shot, but went in the chruch afterwards. He described what he saw when he got inside the room at the church. He said that he did not think that Billy Dean could have been standing up when he was shot, but was sitting on the couch. He said that he didn't argue with the defendant when he was asked to help move the body into the bedroom. He said that he was not on any drugs or dope at the time this happened, that he had been on the methadone program for two months and was not taking any drugs them. When they left the church the defendant put the gun between them on the seat in the truck, they went to the bus depot and got the bag belonging to Richardson. The defendant had offered him money, but there was no money. He said that he wasn't thinking about much of anything at that time, but didn't want to cross defendant, so didn't run or try to escape, nor did he go to the police at that time. When he and the defendant got back to his home, the defendant ordered him out of the house, so he left his wife and his son stayed there, he didn't notify the police as he was afraid if he went near the police that something would happen to his family. He said that when he left his house that he took the rifle with him, that was loaded. This rifle was taken to a Greg Stockards and buried, in the opposite end of town from his home. This gun was finally given to the police the day he went to tell them the story.

Witness was excused.

There were no further witnesses at this time.

Mr. Robinson said that he had examined the material in the tape between defendant and Mr. Palmer and he has no objections and would stipulate to it; except for excerpts.

The court said that the transcript had not been edited so it would be admitted. He said to make sure of the material that was being read in.

Mr. Thomas said that it would be cut out and submit the portion stipulated to the jury, this is exhibit No. 49. He said that the interview between Palmer and the defendant was typed from the tape.

The court said that this is still part of the rebuttal and given for limited purposes only, not for proof of defendant guilt, only as to the credibility as to the truth as defendant as a witness.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

There were no more available witnesses by either party until Monday morning.
It was stipulated that Officer Woodall could be excused.
Jury was admonished and excused.
Court recessed 4:35 o'clock p.m..

ELEVENTH DAY

October 20, 1975
Two Hundred First Judicial Day
9:30 a.m.
Present as before

The jury was returned and it was stipulated all were present.

J. Fred Hurst, Boise, Idaho, was called, sworn and direct examined by Mr. Robinson, he said that he is a psychologist, licensed to practice in the State of Idaho. He has been in Boise for the last three and one-half year. He gave his educational back ground and formal education, and expierence. He said that he came in contact with the defendant on December 12, 1974, at the request of Sheriff Palmer. The purpose of this meeting was to make a psychological evaluation of the defendant. He explained the methos he used to make this evaluation. After he had completed this examination, this was reduced to a written report.

Defendants Exhibit J (Report Dr. Hurst) marked and identified.

Dr. Hurst said that in Dec. 1974 he spent approximately 5 hours with the defendant. He said that Mr. Creech was a very cooperative individual. He obtained a brief history of the patient. He said that he made seven different tests and he explained these tests to the jury. He said that all the test fell in the average range, except one was above average reasoning. He said that in one test it proved that the defendant was able to function at average level in Reading, Spelling and Arithmetic. He found no sign of any brain damage, His responses were normal, his personality function in normal range. He wxplained this that as the defendant would make a statement his mood would change, his findings that his personality was dymatic, irratic. He said that in the M.M.P.I. test, which is widely used in several fields, and tells many things, such as the reactions to adjustments to things. The results of this test he noted a large amount of confusion, irratic and unpredictable method of coping with problems, and if he did this was done with detachment. He did feel that the defendant was in touch with reality but responded to things with irratic detraction.

Dr. Hurst said that after the tests were made, it was his professional opinion that the defendant functions in an average range of intelligence, he could hear and understand and react to instructions and cooperated with him, he felt that he had an immature personality, he responded to situations with detachment, he is a loner but wants acceptance, he is defensive, stubborn and resists changes, he takes more from people that are around him than he gives, he does not learn from expierence, and at times is implusive, he has a lack of feelings for others, and this makes the defendant dangerous to others. He lacks the ability to stop and think things over before he does them, judt goes ahead and thinks later. He said that his written report was completed by mid Jan. 1975.

Defendants exhibit J (report) was offered and admitted.

Approved:

J. [illegible] Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975
Date

(CONTINUED)

Mr. Robinson asked Mr. Hurst what the difference in the fields of psychology and psychiatry was. Mr. Hurst said that psychology was strictly of the mind and not usually a medical doctor, psychiatry is done by a medical doctor, the approach is not too much different and the field is compatable. The field of psychology is like an investigation for a psychiatrist sometimes. He said that he made a follow up examination in sept, 24, 25 of 1975 for the trial. He related the tests made. He said that ABC test, was done for the purpose to find if brain damage or if there was a gross mal-function of the brain of defendant. He said that he found no brain damage, there was no mal-function of the brain, that the tests made at this time were compared to the tests done in Dec. 1974 and the responses were very similar.

Jury admonished
Court recessed 10:40 a.m.
Court reconvened 10:52 a.m.
Jurors returned and it was stipulated all present.

Mr. Robinson asked Dr. Hurst if in giving the tests to the defendant, had he availed himself of the previous tests from Ohio or Salem, Ore.? He said that the defendant told him of no previous testing. He said that there was some tests in Salem, Ore, but they were not conclusive. He said that in all the testing, that he did, there wasn"t any evidence of brain damage, no mental illness, so he made no recommendations to the court.

Mr. Thomas gross examined Dr. Hurst. He said that it was the finding in all the tests made on the defendant that no serious brain damage in defendant and no mental illness? Dr. Hurst said that this was correct.

Mr. Robinson re direct examined Dr. Hurst asking if he felt there was some brain damage? He said he did not.

Dr. Floyd LaMarr Heyrend was called, sworn and direct examined by Mr. Robinson. He said that he resides at Boise, Idaho and is a physician specializing in psychiatry. He gave his educational background and expierence. He said that he has been in Pribate practice for seven years, he was licensed in 1956. He said that he has been incontact with the defendant, Thomas Creech on numerous occasions, some of them were quite lengthly. He said that he first saw him in the Ada County jail, and saw him there approximately five times. He also visited his office about eight times. He said that he has also helped to interrigate the defendant under hypnosis and other drugs. Mr. Robinson asked if on all of the visits defendant made to his office, if he was under the influence of some drug or hypnosis? Dr. Heyrend said that on all visits to his office that part of his examination or conversation with the defendant was performed while the defendant was under drugs but part of that visit was before the defendant was given any drug or hypnosis. Mr. Robinson asked if he had been hired or asked to make an evaluation of the defendant for the State of Idaho? He said that he had. He was asked if he had been hired by himself or the defendant? Dr. Heyrend answered he had not. Mr. Robinson asked if in his examination he had gone over all the medical back ground and availed himself of all medical records, if he had gone through the brain screening for brain damage by Dr. Hurst? He said that he had used Dr. Hursts help and report to aid him, that he had looked at all the documents gathered by the law enforcement and talked to the psychiatrist of the State of Oregon, also statements written by the defendant himself. He said on his first visit to the defendant he administered some medication to calm the defendant down, the following visit he talked to the defendant of himself as a person and his history, both with and without the use of drugs.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | Oct. 6, 1975 — Date

(CONTINUED)

He said that his sessions with the defendant usually covered all views of his life. He was generally ecoperative in the sessions, he was very cooperative of his girl friend, Carol Spaulding.

He was asked about the questioning while under the influence of drugs, such as sodium pentothol and others? Dr. Heyrend said that sodium pentothol was close in relation to sodium amothol, these are shot acting barbituates. They put people in sleep or relaxes a person so they can consentrate on certain subjects. He explains the methods used. That during these sessions while under drugs they would bring answers from defendant from sub-conscious mind, all the information stored in the brain not always accessable, and the use of sodium amathol helps remember details. Mr. Robinson asked if they were able to get the details on total story of deaths? He said that they were. Mr. Robinson asked how much control the defendant had under drugs or hypnosis? Dr. Heyrend said that there were times when the defendant exerted considerable control under drugs, but had no control under hypnosis. He asked Dr. Heyrend about the methadone program? Dr. Heyrend explainted that this was used to help many users of drugs. He explained the program, he also said that the program has now been discontinued. Mr. Robinson asked if he ever determined if the defendant had been a user of drugs? He said that he had used drugs. Mr. Robinson asked in what the defendant described as his drug habit, would this have any effect on his administering drugs for his questiong session? Dr. Heyrend answered it would not. Mr. Robinson asked if he would describe what he found in his examinations of the defendant during sessions? Dr. Heyrend said that based on detailed history, he felt that the defendant had never been able to relate to anyone successfully. In terms of over-all behaviour the defendant tended to be implusive and acted without any fore thought. His attitutde was what appeared to be good for him, must be good for others. He lacked any sensitivity for feelings of others. His morals were different from others, lacking average standards. As to his anxiety, this was normal, he was not sick, just depressed from being where he was. His most distrubing aspect was inability to show any remorse and profit from it, as from past expierences. He felt that his actions were normal considering the situation he was in. His history of poor adjustment dated from early childhood. He said that he didn't relate well to any of his family, no close family ties, feels his family exhibited poor example, he had difficulty in school, he is not dumb but perfectly normal. He shows through all his life that he can not adjust to anything, employment, military service and marriage, he felt that this was through his anability to relate to people. He said that during many of his talks with the defendant, the defendant did lie to him. That the reason that the defendant was given mediciation was to keep him calm so that he would not evade the issue, as the defendant has a hard time holding the point of time, goes around in circles. The witness was asked if the defendant had been asked specific questions of the involvments, when medication had been administered? He answered that he had. He said that to determine what was the truth and what was not they used drugs, so they could make a evaluation. He said that some of the questions asked revolved around his affiliation with both the Christian church and other churches, how he became involved with the satanic church how he functioned as an observer and a priest. Mr. Robinson asked if he ever referred to himself as Satin? Dr. Heyrend said that he did relate as only thru Satin in him, not that he was Satan. He asked if he had ~~ever~~ ever heard the defendant say he was Anton LaVey? He said that the defendant has come under the powers of this individual and would do as he dictated, he didn't recall the exact words of the defendant.

Approved:

District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff — Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant — Oct. 6, 1975 — Date

(CONTINUED)

He was asked if from all the contacts that he has had with the defendant if he had made an evaluation of defendant.

He said that he had.

Jury was admonished and excused for lunch

Court recessed 11:55 o'clock a.m.

Court reconvened 1:30 p.m.

Jury was returned and it was stipulated all were present.

Mr. Robinson continued to question Dr. Heyrend. He was asked if he had done a second testing of the defendant? He answered that he had. He was asked if this second test proved if the first test was accurate, and that there was no brain damage to defendant?

Dr. Heyrend said that the Order for the second test called for an evaluation of the defendant. That this test was to cover two points, regarding the ability of defendants mind as to malice aforethought and to his mental out look at that time of the crime. He said that his test did not cover the point as to malice afore thought, so he cannot respond to this question.

Mr. Robinson asked if he had reduced his findings to a written report?

He said that he had.

Deft. Exhibit K (Report) marked, identified, offered and admitted.

Mr. Robinson asked if this evaluation mentions the fact that the defendant claims to be involved in other murders?

Dr. Heyrend said that the defendant had, perhaps 40 or so, and that there had been 6 this year.

Mr. Robinson asked if he sued sodium amathol often.

He said that he did, and often in law enforcement affairs. This was performed at the request of the Attorney Generals Office of Ada County Sheriff on Mr. Creech.

Mr. Robinson asked Dr. Heyrend in regards to his evaluation of the defendant, what effect Deft. Exheibit #1 (Satanic Bible) would have on the defendant if this book had been accepted by the defendant?

Mr. Thomas objected.

The court sustained this objection.

Mr. Robinson said that this question went to the ability of the defendant to act and malipulate people. He asked the Doctor if the defendant tried this with him and was he successful?

Dr. Heyrend said that he detected that the defendant was trying to malipulate him.

Dr. Heyrend was asked if he found any serious mental illness in his examination of the defendant?

He answered that he did not

The Jury was admonished 1:45.

The court asked if there was any reason not to excuse the two doctors?

Mr. Robinson asked Dr. Heyrend whether or not the accepting of the satanic bible by the defendant would affect his behaviour? The Doctor was asked if he had read this book?

Dr. Heyrend said that he had not but was aware of what it contained by representation inpart by the defendant. He feels that this would not make much difference in the pattern of behaviour of the defendant, considering what he had done all his life.

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

The court asked the basis for the Offer of Proof?

Mr. Robinson presented argument and offered Defendant's Exhibit I, the Satanic Bible.

The court rejected this exhibit.

Mr. Robinson said that by his Offer of Proof he hoped to show through the witnesses, Bishop King of the Episcopal Church and Anton Lavoy of the Satanic cult, the two total aspects of Christianity. Bishop Lavoy as to the satantic belief. The purpose of this is to show that the defendant is on one side of the fence, as far as religion, and then on the other.

Mr. Thomas answered that he objected to this and there is no showing that defendants belief is relevant to this case, so can see no reason to call either of the bishops.

Court sustained this objection.

The court said that Doctors Heyrend and Dr. Hurst would be excused.

Jury returned.

Edward Zoring Stewart called, sworn and direct examined by Mr. Robinson. He said that he resides at Box 261, Cataldo, Idaho and is the criminalogist at the North Idaho College, at Coeur d'Alene, Idaho. He has been at the North Idaho college for three years as an instructor of law enforcement and mathematics. He said that a part of his duties consists of operation and the determination of polygraph tests, as a polygraph examiner. He related his back ground and education.

He said that he became acquainted with the defendant the first time on Aug. 10th or 12th, 1975 at the request of Mr. Robinson. He interviewed the defendant on Aug. 15, 1975 and once a week since Sept. 2, 1975. He said the defendant was very cooperative with the examination.

Mr. Robinson asked if there was a determination made how a person would re-act to the polygraph test?

Mr. Stewart said that there was and that the defendant was an excellant re-actor. He explained the polygraph test to the jury.

He was asked if each operator giving the test had a different mode or method?

The witness said that there are standard test for this. He said that he followed this general testing for defendant.

He was asked if there were specific questions as to drugs, satanic matters and if his findings were ever reduced to writing?

He said that he did ask questions on these matters and that he had made a written report based on his testing.

Defendants Exhibit L(Stewart Report) marked, identified, offered (limited to Offer of Proof) and admitted.

Mr. Robinson asked if based on the polygraph test, were the results reliable. He answered that they were.

He was asked if he had taken the information from the tape and reduced to answers of certain questions, set forth by him?

Mr. Stewart answered that he had.

Mr. Thomas cross examined the witness. He asked if the defendant had been interragated extensively before the polygraph test?

Mr. Stewart said that he had not. He said that he was aware of the fact, that the defendant had a polygraph test before.

He was asked if he felt that the defendant didn't care if he was lying in the test and that it would have an affect on the polygraph test?

Approved:

J. Ray Bistline
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE.

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) October 6, 1975 Date

(CONTINUED)

He said that he felt that the defendant was aware of this, but that the defendant had been truthful with him.

He was asked if in respect to the test, that he had all the information to get a successful test?

Mr. Stewart said that he didn't have all the information, but enough to take a polygraph test.

Mr. Thomas questioned him in regards to the physical aspects of defendant at time of testing? He said that he didn't know as to blood pressure, etc.

He was asked if polygraph tests had been prepared from other polygraph tests? He said that they had not.

Mr. Thomas objected to the offer of proof, that evidence from a polygraph test was not admissable.

The court sustained this objection.

It was stipulated that Mr. Stewart be excused.

Mr. Robinson said that the defendant rests at this time.

Court admonished the jury.

Court recessed 2:15 o'clock p.m.

Court reconvened 2:25 o'clock p.m.

Mr. Robinson re-offered Defendant's Exhibits A and B.

Defendants Exhibit A was admitted

Defendants Exhibit B was admitted.

Mr. Robinson asked if Plaintiffs Exhibit had been admitted in its entire form?

The court instructed the Jury that this exhibit was admitted for purposes of impeachment. He asked if Mr. Robinson now waived all his objections to this exhibit?

Mr. Robinson said that he did.

Mr. Thomas said that they were not offering any more of the exhibit than before.

Mr. Robinson said moved for the general purpose, he feels that the entire tape should be admitted.

The court said that he would treat the states offer as a separate matter. This could be handles on rebuttal. If they want the entire tape in evidence than they can offer it. The state wanted to offer the entire tape and there was an objections from Mr. Robinson and only a portion of the tape was admitted.

Mr. Robinson asked that this portion of the tape be marked as Defendants Exhibit M.

The court said that what has been marked as Plaintiffs exhibit 49, be marked as Defendants Exhibit M, this includes the entire document. Defendants Exhibit M (tape) marked.

Mr. Thomas objected to the admission of the entire document because the evidence has been limited.

The court sustained the objection and exhibit M denied.

Defendants Exhibit M refused.

The jury was returned into court and it was stipulated all were present.

The court said for the purpose of the record it will show that the defendant has rested.

The court asked of counsel if there was any rebuttal?

Dr. Michael Estess, 6003 Overland Dr. Boise, Idaho was called, sworn

Approved: J. Ray Durtschi

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

October 6, 1976
Date

(CONTINUED)

and direct examined by Mr. Remaklus. He said that he is a physican and specializing in psychiatry. He gave his education and background. He said that he is acquainted with the defendant. His first meeting was at the request of the court on Dec. 12, 1974, in his office.

He was asked if he had availed himself of the services of Dr. Hurst? He answered he had. He said that he had conducted a psychiatric evaluation of the defendant on Dec. 12, 1974 and Dec. 18, 1974. He said that he learned of personal history of defendant from Boise Statesman.

He was asked at the time of his first evaluation did he arrive at a conclusion?

Dr. Estess said that he thought that defendant had a personality disorder. He described this to the jury. He said that everyone who has a personality mental illness does not include having personality disorder. He told that the great deal of turmoil in the defendants social life is just because of the way he handled himself in society.

Mr. Remaklus asked about his second evaluation?

Dr. Estess said that in August 1975 he checked with the personel of the jail to see if any changes in the habits of the defendant and also checked with the Sheriffs office again on the facts. Looked at the evaluation of Dr. Hurst, and went over with him all the material at hand as his re-evaluation, but his initial conclusions remained the same.

He was asked as of Nov. 4, 1974 did he have any opinion that the defendant was suffering from any mental defect or disease?

He said that he did have an opinion. Defendant was not suffering from any mental disease or defect at that time. He said that the defendant had an obvious ability to malipulate peoppke people, making him a very unreliable person. He said that the defendant had a negative identity, as the defendant has gotten rewards, in away, for being bad ever since he was a young child.

He was asked if he had an opinion as to this type of conduct that was engaged in while the defendant was in jail for this charge?

Objection by Mr. Robinson.

Objection sustained by the court.

Mr. Remaklus contiued his examination. He asked if the defendants used drugs. Dr. Estess answered No.

Mr. Remaklus asked if he would term the defendant with moral insanity?

Dr. Estess said that he is not sure, as it is a term that he does not use. That this relates to someone having religious beliefs and that moral insanity is just a saying.

Dr. Estess was asked to describe defendants personality? He said the defendant reacts to stress, he is resistant and peranoid. He has a resistance to being found out, and has a tremendous feeling of inadequacy.

He was asked if based on his examination of Nov. 4, 1974 did he feel that the defendant was responsible for his actions, that he could determine right from wrong, and could have conducted himself according to law?

Dr. Estess answered that he felt that the defendant could have.

The court said that the doctor is not allowed to go into anything that the defendant told him at the time of the interview.

Mr. Remaklus asked if the defendant was capable of pre-meditation and malice aforethought?

He answered he felt that he was.

In Nov. 4, 1974 was the defendant capable of malice aforethought.

He answered Yes.

In answer to question he said that he felt that the defendant was very cooperative, but wasn't always telling him the truth.

Approved:

J. Ray Estes
Jud.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

October 6, 1975 Date

(CONTINUED)

Regarding his satanic involvments, he said that he really set himself up with sensational actions, that it was consistance with what he did before. Defendant was delusive.

Mr. Robinson cross examined Dr. Estess. He asked if most every person who comes to see him, is deceptive?

He said no, he didn't believe that, many were straight forward, but at sometimes everyone deceives themself.

Mr. Robinson examined him regarding his schooling and experience as a psychiatrist.

He was asked about moral character?

Dr. Estess said the only disease of moral character is sin. He does not use the saying of moral sanity. That christianity and satanic are words in religion.

Mr. Remaklus asked Dr. Estess if he practised psychology in the service?

He said that he did.

It was stipulated that Dr. Estess be excused.

Dan Carey, was called, sworn and direct examined by Mr. Remaklus. He said that he is a laborer in the gospel of Lord, Jesus Christ. His home town is Lewiston, Idaho but that he has been in Washington picking apples. He lived in Lewiston for seven years. In Nov. 3, 1974 he was in Lewiston, Idaho attending Lewis-Clark vocational school as auto mechanic. He is acquaintdd with Carol Spaulding, for 5 years, he went with her off and on, two years before Nov. 1974. He knew where she lived in Lewiston, Idaho. He stated that he heard that she was in Lewiston on Nov. 1 or 2, 1974 so he went to her mothers home to see her. He saw the defendant for the first time on Nov. 2, 1974.

He pointed out the defendant for the record.

Mr. Remaklus asked other than seeing him on that date, did he have any other contact with defendant, until in this courtroom?

He said that they drove around in his car with Carol and the defendant for about an hour, they smoked some pot and drank some beer. He took Carol and the defendant back to her mothers early that evening.

He was asked if he stayed in Lewiston that night?

The witness answered that he went over to Clarkston, Wn. to his mothers house, where he lived. He said that he remembers the date of Nov. 3, 1974, as he was at his mothers, his car battery tipped and spilled acid. He also went to church twice that day, the rest of the time he was with his mother. On Nov. 4, 1974 he spent the day from 8 a.m. until 3 p.m. in class. His mother drove him to school as his car wouldn't run because of the dead battery. He had the car fixed that day so was not in the vicinity of Donnelly, Idaho.

He was asked if he killed Arnold or Bradford?

Mr. Carey answered that he had not.

Mr. Robinson cross examined Mr. Carey? He asked if he was the father of Carol Spauldings child?

Objection by Mr. Remaklus.

Sustained by the court.

The jury was admonished.

Court recessed 3:35 o'clock p.m.

Court reconvened 3:45 o'clock p.m.

Jury returned and it was stipulated all present.

Mr. Remaklus said that the trial had moved more rapidly than he had expected and that no other witnessess are available until tomorrow.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

He requests that the court recess until tomorrow, Oct. 21, 1975.
The jury was admonished and excused for the day.

TWELFTH DAY

October 21, 1975
Two Hundred Second Judicial Day
9:30 a.m.
Present as before

The court stated that Plaintiffs Exhibit #70 was marked and admitted for limited purposes only to show why testimony stopped. Not to go to jury.
Jury was returned and it was stipulated all were present.
Kathy Spaulding, Lewiston, Idaho was called, sworn and direct examined by Mr. Remaklus. She said that she has lived in Lewiston, Ida. for seven years. She is the sister of Carol Spaulding. That she lives in the home of her mother with her brother and Mr. Schreiber.
On Nov. 3, 1974 she was in Spokane, Wn., with Mrs. Knudson and her daughters. They went in the Knudson car and spent all day visiting the fair. They arrived home about 9:30 p.m.. The Knudsons are neighbors of theirs. On Nov. 4, 1974 she went to school.
She said that she is acquainted with Dan Carey.
She was asked if she was in Donnelly, Idaho on Nov. 3, 1974?
She answered she was not.
She was asked if she took any part in the killing of Arnold or Bradford?
She said that she did not.
Mr. Robinson cross examined the witness. He asked if she had seen Carol or Tom Creech on Nov. 2, 1974?
She said that she had.
She was asked if she had gone to Clarkston on that day? She answered she had not.
Mr. Robinson asked her if she owned a bird shirt? She said yes, that she had given it to Carol, that she had it with her on the trip.
He asked her if she smoked pot? She answered yes.
He asked her if she had smoked pot on the week end of Nov. 2, 1974?
She answered No.
Mr. Robinson asked if she had gone to the worlds fair on Nov. 3, 1974 and the name of the Knudsons daughters.
She said that she had gone to the fair. The Knudson girls names are Pam, Judy and Lisa Anderson.
She was asked if she was free to come and go ans she wished.
She said that she was.
Witness excused.

Myrtle Knudson, 2502 8th, Lewiston, Idaho, was called, sworn and direct examined by Mr. Remaklus. She is employed as a Deputy Assessor for Nez Perce County, Idaho. She said that she is acquainted with Kathy Apaulding. She was asked who lived with her? She said that George, Judy, Pam and Lisa Anderson.
On Nov. 3, 1974 she went to the worlds fair in Spokane, Wn. This was the last day of the fair, and she took Judy, Pam, Lisa and Kathy Spaulding with her. They left Lewiston at approximately 8 a.m. and arrived home about 9:30 p.m. that night. She dropped Kathy off at her house and went on home. Later her girls went over to Kathys house to visit.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH, Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

Mr. Robinson cross examined Mrs. Knudson. He asked her how many times she had gone to the fair in Spokane? She said that she went only once.

She was asked if she had checked the date? She said that she had not but believes that it was Nov. 3, 1974.

Witness excused.

William Schrieber, previously sworn, was called and examined by Mr. Remaklus. He was from Lewiston, Idaho and lived with Mrs. Spaulding and family in their home.

He was asked if he remembered Kathy Spaulding going to the worlds fair? He said that he did, he knows that Kathy went to the fair, as he was at home when she came back, this was around 9:30 p.m., and he saw her in her bed later that night, as she sleeps on the hide-a-bed in the living room. He said that she was in bed at around 10:30 p.m. that he saw her in her bed, as he usually goes to bed and reads until the mill whitle goes off at 3:00 a.m., He said that if anyone had left the house that night he would have known.

Mr. Robinson cross examined Mr. Schrieber. He asked if there was a back door on the house?

He said that there was, but that it sticks, and he would have heard it.

He was asked if he was sure what day Carol and the defendant left the house in Lewiston?

Mr. Schrieber said that he was certain that it was the same day that Kathy left to go to the fair.

Witness excused.

Jury admonished.

Court recessed 9:50 a.m.

Court reconvened 10:05

Jury returned and it was stipulated all were present.

Charlotte Smith, Clarkston, Wash. was called, sworn and direct examined by Mr. Remaklus. He asked her if she had any family? She answered that she had three sons Mike Carey, age 22, Dan Carey and Jeff Carey age 13. She is the mother of Dan Carey who previously testified in this hearing. She is a housewife and not employed, her husband, sells cars.

She was asked if Dan Carey was there in her house on Nov. 3, 1974 weekend? She said that he was as she remembers that on Nov. 3, 1974, Dan put new tires on his car and then the car broke down the next morning and he spent all day at home. Next morning, Nov. 4, 1974 she took him to school. So he was at home all that weekend and in school on Monday, Nov. 4.

There was no questions by Mr. Robinson.

Witness excused.

Dr. Joseph Herbert Treleaven, Salem, Oregon, was called, sworn and direct examined by Mr. Remaklus. He said that he is a physician, specializing in psychiatry, at the Oregon State Hospital, Salem, Ore.. He gave his educational background and said that he has in psychiatry for 24 years.

He was asked if he was acquainted with the defendant?

He said that he was, and pointed out the defendant for the record. He first met the defendant on April 9, 1974 at Oregon State Hospital, he had been sent to the hospital by the District Court Judge for examination and treatment while under criminal charges. He made an evaluation of the defendant and explained the methods used to the jury, he also did a complete physical.

He was asked if after making his tests he had arrived at a conclusion? The Doctor answered that he had. He found that the defendant has an

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant | October 6, 1975 Date

(CONTINUED)

anti-social personality, he went on to explaint this further. He observed the defendant for 10 days from Apr. 9, 1974 until Apr. 19, 1974. On May 24, 1974 he was returned to the hospital under civil commitment and treated on general side of hopital, until June 20, 1974. He said that this case of defendant was submitted to the hospital board on May 30, 1974 prior to transferring defendant from maximum security to the general part of the hospital. The opinion was the same as the first time that the board reviewed this defendants case, that he had a depressive dignosis, there was no evidence of any mental disease or mental defect.

He was asked when the records show that the defendant was released? Doctor answered June 20, 1974.

Mr. Robinson cross examined Dr. Treleaven. He was asked about his position at the Oregon State Hospital.

The doctor said that he is the clinical director and supervision and has been there since 1966. He was in direct contact with the defendant. He reduces the history and findings to a written report on Apr. 25, 1974.

Defendants Exhibit N (Report Dr. Treleaven) marked, identified, offered and admitted.
The court allowed that a photo copy of the original be substituted for this exhibit.

Mr. Robinson asked the Doctor to define anti-social personality to the jury. He did this.

He was asked if the history was included in making this report? He said that it was.

Mr. Robinson asked if the defendants wife, Thomasine was in the unit?

He said that she was, that she came to the hospital in a body case, with mental disabilities.

The court asked that the docotr not leave until it is determined if he would be called for further questioning.

Emil F. Bladow, 7555 S. Lola, Portland, Oregon, was called, sworn and direct examined by Mr. Thomas. He said that he is with the Portland Police Dept., and was so employed on Aug. 1974. He was called to the Episcopal Church on a homocide. When he got there he found a body of a male subject, lying on a bed. This body was located in the sextons room, and was identified as William Joseph Dean.

There were no questions by Mr. Robinson

Witness was excused by the court.

Mr. Remaklus said that he had two more witnesses on their way here, but the air plane was late and asked for a short delay.

Jury was admonished and recessed at 10:37 o'clock am.

Court reconvened 11:30 a.m.

Jury was returned and it was stipulated all were present.

Dr. Treleaven was recalled to the stand and cross examination continued by Mr. Robinson. He asked if he had been advised that defendant was on trial for murder? He said that he had.

He was asked what depth he went into on the anti social ability to understand the defendants failure to conform to laws? He answered that he went back as far as he could go in life history.

Mr. Robinson asked if he had the feeling that the defendant was a person crying out for help during his examination. He answered that he did not.

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975 — Date

(CONTINUED)

Mr. Robinson asked if there was some other reason for the defendant being in the Oregon State Hospital?

He said that defendant was there because the court sent him when he came in April of 1974 and he examined him. When he returned in May 1974 it was on a civil commitment and he was under the care of other doctors. When on the civil commitment he was allowed week end passes.

He was asked if he had considered the defendant dangerous to himself or others? He answered that he did not.

Was this with knowledge of past? He said yes.

Mr. Robinson said that he had completed his cross examination, but would like to go beyond the scope of this, and to accomadate the witness would like to continue at this time.

The court said that Mr. Robinson could continue examination of Dr. Treleaven, and the jury was instructed that this would be considered as the defendants case on sur-rebuttal.

Mr. Robinson continued examination of Dr. Treleaven.

He asked if Thomasine Creech was at the Oregon State Hospital? He answered that she was.

Mr. Robinson said that he was aware of the privledge information between patient and doctor, and if the questions, and if the questions he will propound to him, may be considered in this privledge information.

Mr. Robinson asked if Thomasine was brought to the hospital in a body cast? He said that she was.

He asked the doctor if he knew the date of her injuries, if she is still in the hospital and condition.

Dr. Treleaven said he did not know the date of injury, and as for the condition of the patient he could not discuss this.

The court said that in Idaho that the privledge between doctor and patient extends only to civil matters. A doctor cannot be examined without his consent in civil matters, this not extend to criminal law. So the Court orders the Doctor to answer under Idaho law.

Mr. Remaklus asked for an Offer of Proof.

The court said that he considered this relevant to the case.

Mr. Robinson continued with his examination. He asked if Thomasine was suffering from mental disorder, and as to the extent of her mental incompetence.

Dr. Treleaven said that she has a severe mental disorder and has lost complete touch with reality.

He was asked if Thomasine Creech was a heavy user of drugs.

Objection by Mr. Remaklus.

Sustained by the court.

Mr. Robinson asked if he had knowledge of the history of Thomasine Creech?

He stated that he has treated her when her doctor has been gone, and he is the supervisor of the unit. He has not gone into the background history, so his knowledge is sketchy.

He was asked if he was familiar with the fact that Thomasine had been pushed from a fourth floow window?

He said that he knew she had a fall, but no particulars.

Witness excused.

Jack Freeman, previously sworn, was called and examined by Mr. Remaklus. He is the Elmore County Sheriff Detective. He was asked on Nov. 8, 1974, when the defendant and Carol Spaulding were placed under arrest at Glenns Ferry, Ida., if he saw the defendant there and how much time was spent in his presence at Gleens Ferry and Mountain Home, Ida.?

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct. 6, 1975 Date

(CONTINUED)

He answered two or more hours. The first time he saw defendant was at that time, and he was in custody, because of the incident in Valley County.

He was asked if while he was in the presence of the defendant he had been told if he confessed to the two murders that they would release Carol Spaulding?

He said that this had not been told defendant.

There was no questions by Mr. Robinson.

Alvin Mason, previously sworn was recalled and examined by Mr. Thomas. He said that he previously was emplyed as investigator for the State of Idaho and now works for the Bureau of Narcotic. He has been involved with narcotis for approximately 25 years. He was asked if he knew the value of heron? He answered that a pound of heron, 80%, was worth $150,000.00 to $200,000.00.

Mr. Robinson asked if this was the street price? He said yes.

Mr. Thomas questions if pure heron was sold on the street.

Mr. Mason said that pure heron enters the United States, then is cut and sold on the street and is broken into grams. A kilo is 2.2 lbs.

Mr. Robinson asked if heron is cut to dangerous 5% what is the street price? Mr. Mason said the street price is $200,000.00 and wholesale is $100,000.00.

Mr. Wesley Woodall, previously sworn was called and examined by Mr. Remaklus. He said that he is investigator for the State of Idaho, that he travels a lot in his work.

He was asked if he was familiar with the highway between Lewiston, Ida and Boise, running north and south? He said he was. He was asked how far from Lewiston, Ida. to Dornelly, Idaho, going through Grangeville, New Meadow? He answered about 180 miles. He said that he is familiar with this road, by traveling at speed limit of 55 miles per hr. it would take 4 to 5 hours. He described the characterics of the road.

He was asked if they go over Whitebird Hill? He answered yes, that the new one was opened in 1975.

No questions by Mr. Robinson.

The court questioned the attorneys. He said that the rebuttal is completed and the sur-rebuttal is just motions.

The jury were admonished and excused.

Court stated that the matters taken outside the jury and will be presented to jury.

The court asked counsel if they could go right into the instructions.

They answered yes.

The court instructed the attorneys to be in chambers at 1:15 p.m.

The jury returned at 2:00 o'clock p.m. will now recess for lunch.

Court reconvened at 1:20 o'clock p.m.

Mr. Thomas asked about the introduction of portions of Exhibit 49.

The court said that Exhibit 49 would be kept in tact and excerpts to be marked 49A.

Exhibit 49 will be marked Defendants M. The record will reflect at the time defendant had no further witnesses, the State put on witnesses and offered 49A.

It was so stipulated by counsels.

The court said that the exhibit will be submitted by Stipulation, and the portions of the document be admitted with instructions to the jury from the court to cover this exhibit.

Plaintiffs Exhibit 49 marked as defendants Approved exhibit M.

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | Oct. 6, 1975 — Date

(CONTINUED)

Mr. Remaklus said that the States Rebuttal is closed.

Mr. Robinson asked that exhibit M be admitted, but that some areas should be deleted.

Mr. Thomas objected, same as before when offer made so its not relevant now.

The court said that the exhibit has been reconsidered and sustained in part and over ruled in part. That the parts consistant with the testimony would be submitted, not to relate to credibility of the defendant. That any matters not relevant to be agreed on between counsels.

The court said that in regards to the instructions, that the major part had been reviewed on Saturday. That he had added two instructed of Mr. Robinsons and also three new ones of female gender, as to other crimes, and stock instructions

Court recessed 1:36 o'clock p.m..

Court reconvened at 2:00 o'clock p.m.

Mr. [illegible] questioned Mr. Robinson on his position in exhibit 49?

Mr. [illegible] said that he desired exhibit 49 to be admitted without any deletions.

Mr. Remaklus said as long as exhibit 49 is going in in entirity, then 49A need not go to jury.

The court said that the entire exhibit 49 would be admitted for the record would not refer to it as exhibit M. That as long as exhibit 49 going in no need to send exhibit M. That 49 A exhibit would not go in. that exhibit 49 that is going to the jury should not be remarked, and the instructions prepared for 49A will apply to exhibit 49.

Mr. Robinson said the defense has no further sur-rebuttal.

The court said that this offer should be made in front of the jury. And he feels that it is appropriate to admonish the jury as to 49A which was limited for consideration.

The purposed instructions have been submitted, and are there any objections?

Mr. Thomas questioned the instruction on premeditation.

Mr. Robinson said that he felt that this was covered.

The court said that this would be overruled and would let it stand.

Mr. Robinson said that he had submitted other matters to the court, but feels that each and every item has been covered in the instructions the court will give. He has no objections.

The court said that the arguments will be two hours and the state will reserve time for rebuttal. He would allow the attorneys to keep their set of instructions but not to re-read to the jury verbatim.

Mr. Robinson asked if they could mark on the instructions?

The court said not on the set that goes to the jury.

Jury was returned into court at 2:05 o'clock p.m.

Mr. Remaklus said that the State rests.

Mr. Robinson said that he would move to admit the exhibit formerly marked exhibit 49 in its entirity.

No objections Mr. Remaklus.

The court said that exhibit 49 would be admitted in its entirity. He advised the jurors that it was previouls admitted only in part, this exhibit 49 includes the parts so will be the only exhibit going to the jury. They are admonished that this exhibit is admitted and limited only to test the credibility of the witness, not to be considered as evidence or as Proof of Guilty.

Mr. Robinson said that the defendant rests.

The court read the instructions to the jury.

Approved:

J. Ray Durtschi
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

Jurors admonished by the court.
Court recessed 2:50 p.m.
Court reconvened 3:05 p.m.
Jury returned and it was stipulated all present.
Mr. Thomas made his closing argument to the jury.
Mr. Robinson made his closing argument to the jury.
Mr. Hamblin made final argument to the jury.
The court instructed the jury, that on retiring they are to select one of their members as foreman, that the verdict must be unanimous and the foreman will sign the verdict.
[redacted] by the Clerk.
[redacted], the alternates were instructed that [redacted] would not go in the jury room, they will be [redacted] balliffs.
[redacted] at 4:00 o'clock p.m.
[redacted] in regards to trial exhibit #32, 95, 96, 97 [redacted] request will be made with the balliffs as to [redacted] and denists.
[redacted] was called, sworn and examined by the court. He related that the balliffs had met with the court before this trial and had been instructed as to their duties, the four balliffs being Joyce Dumont, Ralph Falsetto, Mr and Mrs Ralph Armbruster. That Mrs Dumont and Mr. Falsetto had custody of the jurors during the day time.
He asked if there were any occassions that she knew when the jurors had been separated?
Mrs. Dumont said that she was present when one woman, Bonnie Jameson, had an allergy shot at the Dr. Clinic. That the subject of the trial was never discussed. She said that a running log was kept of all the time, she was acquainted with the arrangements at the motel. The only TV was in the balliffs room. The telephone panel in the mote room were disconnected, so no direct calls made by any juror. She said that she knew of no other time when the jury was separated.
Albert Falsetto was called sworn and examined by the court. He said that he worked day times ad balliffs with Mrs. Dumont, and he has been present while she presented her testimony. He said that he went to the hospital with Mr. Oberg on two occassions to see his wife and no one mentioned the trial.
There were no questions by either counsel.
The court thanked both [redacted] and also counsel.
Court recessed 4:45 o'clock p.m.

THIRTEENTH DAY

October 22, 1975
Two Hundred and Third Day
10:12 o'clock a.m.
Present as before

The court said that they would complete the record of the balliffs.
Ralph Armbruster was called and sworn and examined by the court. He said that previously he and Mrs. Armbruster had been sworn in as deputy sheriffs, and has received his instuctions from Judge Towles, and also had a conference with all the balliffs before the trial where duties were explained. He and his wife were the night balliffs. He described the room arrangements and the routine followed in taking the jurors to dinner and the evening hours. That one of the bailifffs were awake at all times.

Approved:
J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) October 6, 1975
Date

(CONTINUED)

He said that each of the jurors had individually been placed in seperate rooms at night, but that all phones and TVs had been disconnected, there were no out going phone calls. In coming phone calls were placed through the bailiffs room and all messages went through them, any newspapers that the jurors saw were first brought to the bailiffs and any news of the trial taken out.

[redacted] kept a daily log of all the times they were on duty. No one was in [redacted] except jurors. Anytime one of the jurors had to be away from the [redacted] with them.

[redacted] calls and TV programs were monitered? [redacted] were.

[redacted] satisfied that none of the jurors had [redacted]

[redacted] of this.

[redacted] iffs for their good work.

[redacted] sworn and examined by the court.

[redacted] propounded to her husband, and [redacted] she said that Walter Nelson [redacted] with him and was present at [redacted]

[redacted] on her door one night around 10:00p.m. and said [redacted] she said that she called Dr. Peterson and he came to [redacted] and gave her a shot, but nothing was said about the [redacted]. They then that there was nothing else.

No questions by counsel.

The court expressed thanks to the bailiffs for their fine work.

Mr. Reynolds and Mr. Thomas thanked all of Shoshone County for their cooperation.

Mr. Robinson also thanked everyone.

Juors returned and it was stipulated all were present.

The attorneys waived the roll call of the jurors.

The court asked if the jury had reached a verdict, and Mr. Powell, the foreman said that they had. The verdicts were handed to the bailiffs, who handed them to the court.

The Clerk was instructed to read the verdict and the following verdicts were read:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO,
Plaintiff,

vs

Case No. Cr. 9701

THOMAS EUGENE CREECH,
Defendant

V E R D I C T
Count I

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Guilty of Murder in the First Degree.

Dated this 22 day of October, 1975.

Robert Powell
Foreman

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CARROCH, Defendant | Oct. 6, 1975 Date

(CONTINUED)

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CARROCH,
Defendant

Case No. Cr. 9701

VERDICT
Count II

We, the Jury in the above-entitled cause, find the defendant, Thomas Eugene Carroch, Guilty of Murder in the First Degree.

Dated this 22 day of October, 1975.

Robert Powell
Foreman

The jury was polled as to each verdict. Each juror affirmed each verdict.

The court instructed the Clerk to enter the Verdicts of Guilty against the defendant.

The court thanked the entire jury panel and alternates and thanked them for their dedication and time in this matter., They were excused.

The court said that under the statute Judgment would be pronounced later, at a time set by the court.

Mr. Robinson said that they would take the time allowd and asked that any further hearing in this case be heard in Boise, Idaho. and asked the court to cause the defendant to be transferred to Boise, Ada County, Idaho immediately.

Mr. Remaklus agrred to this.

The court asked if this was agreeable with the defendant?

The defendant said that this was agreeable with him and waived any right to remain in this county.

The court said that the Order would be entered and any hearings will be continued until later.

Mr. Robinson requested the court to set the pronouncing of Judgment for Nov. 3, 1975.

The court said that this would be set for Nov. 3, 1975 at 3:30 p.m., in Boise, Ada County, Idaho.

The defendant was remanded to the custody of the Sheriff to await transportation to Boise, Idaho.

Court adjourned.

Approved:

District Judge